

**SECURING OUR NATION'S TRANSPORTATION  
SYSTEM: OVERSIGHT OF THE TRANSPORTATION  
SECURITY ADMINISTRATION'S CURRENT EFFORTS**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**ONE HUNDRED TWELFTH CONGRESS**

**FIRST SESSION**

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**NOVEMBER 9, 2011**  
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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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# **SECURING OUR NATION'S TRANSPORTATION SYSTEM: OVERSIGHT OF THE TRANSPORTATION SECURITY ADMINISTRATION'S CURRENT EFFORTS**

**WEDNESDAY, NOVEMBER 9, 2011**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:36 p.m. in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV., Chairman of the Committee, presiding.

## **OPENING STATEMENT OF HON. JOHN D. ROCKEFELLER IV., U.S. SENATOR FROM WEST VIRGINIA**

[The prepared statement of the Chairman follows:]

PREPARED STATEMENT OF JOHN D. ROCKEFELLER IV.,  
U.S. SENATOR FROM WEST VIRGINIA

Ten years ago this month, the Senate Commerce Committee created the Transportation Security Administration (TSA). I have seen firsthand how extremely difficult it is to lead the agency. There is no margin for error, and no shortage of criticism.

We are now approaching a decade without a successful attack against the Nation's transportation network. I find that remarkable. I also know it has not come without an incredible amount of hard work on the part of the TSA.

Despite its achievements in keeping our country's transportation networks secure, the TSA has always attracted a tremendous amount of attention and generated its fair share of controversy. The volume of traffic alone makes that so. But this does not make the job of TSA Administrator any easier. Adding to the daily burden you face are proposed budget cuts and conflicting messages from Congress on which direction to take the agency. But, this is exactly why I believe you have been the ideal person for this job from the start of your tenure.

Your deep background in law enforcement has given you valuable perspective in considering new concepts and understanding the value of your workforce. You have worked aggressively to strengthen relationships with our foreign partners and to make certain intelligence is used as effectively as possible. The "risk-based" approach to security you advocate is a realistic path forward in our current environment. You have been uncompromising in promoting activities that are necessary for the security of our transportation system, but flexible when common sense dictates the need for reasonable alternatives. Your steady leadership is vital, and Congress should do everything to give you the support you deserve.

There is a lot of misinformation and differing viewpoints about the adequacy of transportation security, its needs, and its direction. What I really want is the unvarnished truth from you regarding the direction of the agency, how it can be more effective, and any potential stumbling blocks that jeopardize our transportation security regime. I also want us to assist you in making sure you have the resources you require. You have encouraged Congress to provide additional funding through airline passenger security fees, and I support you in this effort.

I strongly believe we must have certainty that any funds raised for aviation security go directly to aviation security, because I believe most U.S. travelers want to

be safe and secure above all else. There should be a reasonable way to move forward and make sure needed security initiatives are properly funded throughout the system.

Thank you for being here today. We can handle the truth, so please give us the clarity we need to keep you and the TSA successful in its mission.

**STATEMENT OF HON. FRANK R. LAUTENBERG,  
U.S. SENATOR FROM NEW JERSEY**

Senator LAUTENBERG [presiding]. Senator Rockefeller is on the floor managing a bill there, and asked if I would take over for a bit, and I, for the, more than, was really willing to do that.

I thank everyone for being here today. This month marks the 10th Anniversary of the Transportation Security Administration. It was established on November 19, 2001, just after 9/11.

From the beginning, TSA has been charged with protecting our entire transportation system and despite this, TSA has primarily focused on aviation security, and appropriately so. But, in fact, 98 percent of the TSA budget is dedicated to aviation security. And that leaves less than 2 percent for trains and public transportation which terrorists have fixated on for years, as the bombings in London, Mumbai and Madrid demonstrate.

According to reports, when bin Laden was killed this spring, documents recovered at his compound showed that he had trains in his sight and in his mind that he wanted to attack in our country. Our rail network is as vast as it is open and rail offers easy access and a chance to strike high casualties. Americans take 10 billion trips aboard trains, subways and other forms of public transportation each year, compared to 700 million flights each year.

Make no mistake—the threat to Americans’ rail network is real, and we’ve got to do more than we have to keep it secure. And it doesn’t mean at all that we should overlook aviation security. It only means that we’ve got to take a more balanced approach to making transportation in our country safer.

Aviation security remains a serious concern, particularly in my home state of New Jersey, where we have witnessed security lapses at Newark Liberty Airport, one of the busiest in the country. In one incident, a carry-on bag containing a knife got past TSA agents at the airport. In another, passengers were able to enter secure areas without being screened. Incidents like these raise concerns about our ability to protect the public as they move through our aviation system.

But I also remain concerned about the ability to scan the baggage effectively as airline baggage fees cause passengers to carry on more and more, bigger bags.

And the bottom line is this—that while we have serious fiscal challenges in our country, we can’t put a price on human lives. And nothing is more important than keeping our communities, families and the economy safe.

And I’m pleased that we have Administrator Pistole here for his efforts. I’ve worked with him, and know that he’s a capable leader who works very hard at the job and does it very effectively. So, I look forward to hearing from him on the security of our entire transportation system.

And, not to be critical at all, but to say, look, we have to be alert to all of the risks that our people take, and we want to reduce them wherever possible. So, I thank you, Mr. Pistole, for being here.

And I don't see Senator Hutchison here, but in terms of our arrival, I'll call on Senator Isakson of Georgia. John?

**STATEMENT OF HON. JOHNNY ISAKSON,  
U.S. SENATOR FROM GEORGIA**

Senator ISAKSON. Thank you very much, Mr. Chairman. I appreciate it.

And I want to thank Administrator Pistole for being here today and having this hearing.

It's very timely for me. I represent the State of Georgia, in which Hartsfield-Jackson International Airport, the busiest airport in the United States, which boards about 90 million passengers a year and has the most takeoffs and landings of any commercial airport in the United States. And so, airport security is very important to me. And, like every other member of the Senate Commerce Committee, I go through TSA security 100 or 120 times a year. So, TSA security is very important to me.

And I appreciate very much the hard work the Administrator has done, and particularly, in recent weeks his timely response to an incident that took place in Atlanta. And I want to thank the Administrator for that.

What happened, Mr. Chairman, is a whistleblower went to WSB-TV in Atlanta with undercover video of the loading of carts, food carts, onto airplanes at Hartsfield-Jackson International Airport, as well as the passage of alleged employees through the turnstiles, using one badge when four people would go through.

These raised serious questions as to whether or not TSA rules were being circumvented or, in fact, may be that things could be slipped on through the gourmet carts onto an airplane that should not have been there.

The Administrator initiated an immediate investigation. I received a letter today with a partial response in terms of what they have cleared, but a commitment that they're going to complete the investigation of the videos to make sure that they, before they comment on whether or not there were actually breaches. And, while I understand, because of the nature of security, and because television is public in the United States, we can't always talk about everything that we require, for the bad guys might be watching. But, to the extent possible, I hope the Administrator today will discuss some of these issues and some of the redundancy of the agency's requirements and the agency's inspection, to make sure that these security items are being taken care of.

But, I want to end where I began by saying, I represent the busiest airport in the world. Passengers from every state and every country in the world go through Atlanta, Georgia's Airport. And security is critically important.

I thank the TSA for what they're doing, and recognize it's always a work in progress. And I hope the Administrator will address some of those issues that were raised in WSB's report today.

Thank you, Mr. Chairman.

Senator LAUTENBERG. Thanks very much.

I'm pleased to call on the Chairman of the Environment and Public Works Committee, Senator Boxer. She's very busy, as we all are, but she's always there ready to go to work on the next thing. Senator Boxer.

**STATEMENT OF HON. BARBARA BOXER,  
U.S. SENATOR FROM CALIFORNIA**

Senator BOXER. Senator, thank you very much.

And, by the way, thank you for your support today on that important bipartisan markup we had of the highway bill.

Mr. Chairman, this is a timely hearing.

I'm very happy to see you here, Mr. Pistole. I wanted to point out that I have a hearing at exactly this time over in Foreign Relations on the violence in Syria and, as Chairman of the Subcommittee, I'm going to need to leave. But I wanted to leave you with some very clear points, if I could.

In California, the travel and tourism industry employs more than 800,000 Californians. A 2010 survey found that more than 60 percent of travelers would take two to three more trips a year if the hassles in screening could be reduced without compromising security. Of course, that's the goal that you've been working on, sir.

At a time when our nation is suffering from 9 percent unemployment, the potential to increase demand and increase jobs in our travel industry cannot be ignored. And I wrote to the Administrator last November in support of his efforts to create a new Trusted Traveler Program. And I'm excited about an announcement that I believe is expected shortly, of an expansion.

A Trusted Traveler Program not only has the potential to reduce the need for invasive screening of low risk travelers. It could also help TSA better focus resources where they're needed the most. And this program called TSA Pre✓ started in October. I'm not going to give away everything here, because I want you to have the chance to do that. We're going to hear about an expansion of this program to several other airports, including one very busy on in my state. If that is right, and I'm right on that, may I thank you publicly for that? Because I've been calling for this for a long time.

And I want to reiterate—no one who supports this ever wants to compromise security. I was honored to be able to write the law that allows pilots to carry guns in the cockpit to protect the aircraft. I also wrote the language that expanded the Air Marshal Program to long haul flights. As we know, those flights were all long haul that were hijacked that fateful day.

So, I am looking forward to hearing about this—reading about your testimony in support of the Air Marshal Service. My understanding is, we're robust, we're good, but I—and I know some of it is classified, but to the extent that we could be reassured on that.

And also, to make sure that our guns in the cockpit law is working well, and that the training is going forward, and that we're not impeding those trained pilots from protecting the aircraft, because we all know, when worse comes to worst, the instruction is, unfortunately, not a good one. We'll have the military there shooting down an aircraft. I think the pilot should have every right, assuming he or she is trained, to protect that aircraft.



So, Mr. Chairman, I thank you so very much. I look forward to reading the testimony.

And if I'm right on this news, then I thank you so much, sir.

Senator LAUTENBERG. Thank you very much.

Senator Blunt.

**STATEMENT OF HON. ROY BLUNT,  
U.S. SENATOR FROM MISSOURI**

Senator BLUNT. Thank you, Chairman. And I'll submit some statements for the record.

Thank you for your important and good work, Mr. Pistole.

I want to talk a little bit when we get time for questions about this issue of TSA at airports, and what I continue to believe would be the importance of a private sector competitor, if that's what the airport wants to do. I remember this debate when TSA was created. And the theory was that TSA would benefit if the airport and TSA and everybody else knew that there were other options. If there are problems, whether they're problems like the problems at Hartsfield-Jackson, at that airport; or whether it's the airport in Springfield, Missouri, the Springfield-Branson airport that would like to go to an outside provider; or the Kansas City airport, which is about halfway in size between Springfield-Branson and the huge airport in Atlanta, who's had a private provider the whole time, and had what I thought was some unfortunate experience just even trying to extend that private contract. As it turned out, the courts agreed whenever your agency was taken to the claims court to talk about this. And I want to talk about that a little more.

But all of us understand the critical importance of your work. I want to join Senator Boxer's comments on the importance of foreign travel. We're looking at ways to make the visa process work better, and make entry and exit from the country work better. There are ways to meet the security needs of the country and still encourage the friendship and economic impact that foreign travelers make. They stay longer; they spend more; and they invariably, in almost all cases, they like us better when they left than they did when they came. So, there are all kinds of positive repercussions here—unless the memory is how terrible it was getting in and out of the country. And I know your organization is more and more conscious of that all the time.

But I, and this committee would be very interested in working with you to provide the encouragement and tools, and support you need to make that part of traveling to America work in a way that ensures safety, but also encourages people to want to come, and want to come back.

And, Chairman, I yield back my time.

[The prepared statement of Senator Blunt follows:]

PREPARED STATEMENT OF THE HON. ROY BLUNT, U.S. SENATOR FROM MISSOURI

Thank you Chairman Rockefeller and Ranking Member Hutchison for holding this hearing today. Securing our nation's transportation system is a constant challenge, and regular hearings on this subject are important in order to ensure that TSA is strong and agile enough to stay ahead of threats but not so intrusive as to burden the flow of commerce.

Additionally, thank you Administrator Pistole for appearing before us today. I appreciate your work as you have the difficult task of being on the frontline of this nation's security.

Some people forget that TSA is responsible for more than just securing our nation's airways. With the responsibility of securing most of our transportation network including our Nation's highways, rail system, ports and airports, TSA has its work cut out for them in this security climate.

Administrator Pistole, you have the challenging task of finding and maintaining the balance between keeping our nation secure and continuing to ensure the free movement of people and commerce.

It is this balance that is integral to a secure nation and a vibrant economy.

It is easy to forget that the public and industry share in the goals of the TSA mission. Often times we see different sides disagree about the proper way to achieve a common goal.

But it is the focus on this common goal that can be a key to success for TSA. Stakeholders understand the importance of security and can be essential in the proper implementation of security initiatives or changes.

Such partnerships are at the very core of that delicate balance of security and the free flow of commerce.

Simply put, more regulations do not improve security.

Overregulation forces industry to commit resources to regulatory compliance rather than actually improved security.

Despite TSA's large scope of responsibility, TSA gets the most recognition and scrutiny for their role at our nation's airports.

Our airports are our primary line of defense in securing our airways. And it is at the airport where TSA works closely with both the public and the airlines.

There are nearly 450 airports across the U.S. They range in size and all provide unique services resulting in unique security challenges.

However since the TSA was established, TSA has only continued to grow into one of the largest and most expensive bureaucracies with over 62,000 employees.

In doing so, TSA is further removed from being the accountable, flexible security administration that even TSA acknowledges they need to be.

And early this year, TSA ended the expansion of their Screening Partnership Program (SPP).

SPP airports have the flexibility to properly merge TSA protocol with the unique characteristics and needs of a specific airport.

Preserving two security screening options promotes efficiency and accountability in both SPP airports and airports that do not participate.

Capping the program at 16 airports limits our airport security options to a one-size-fits-all approach.

Our airports are our primary line of defense in securing our airways. Why would we reduce the number of tools they need to do their jobs?

The safety of our nation's skies will not improve as long as we continue to limit our security options to an unaccountable, one-size-fits-all federal bureaucracy.

Only in Washington, D.C. do we measure the importance of something by how much we spend on it as opposed to the results we get.

Again, I thank the chair and the Administrator for their hard work. I look forward to hearing your perspective and working together to find the best way to balance our security needs with privacy and economic needs.

Senator LAUTENBERG. Senator Cantwell.

**STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Chairman Lautenberg. Thanks for conducting this important meeting. And I look forward to hearing from the TSA about the important security measures, both on the cargo front and on the passenger side.

But before I turn to that, I did want to say, congratulations, Mr. Chairman, to United Airlines and to Alaska Airlines, because just on Monday United became the first U.S.-based air carrier to fly a domestic flight using a mixture of jet fuel and drop-in aviation biofuel. And beginning today, Alaska Airlines will operate 75 flights over the next 11 days with 20 percent aviation biofuel

blends. So, both are pushing forward on this important area of aviation transportation.

Mr. Pistole, I appreciate you being here. And in many ways I think you have a difficult and thankless job. And our nation's security and safeguarding it is such a critical and important issue, with over 400 different commercial airports and over 700 million air passengers each year. That is a huge challenge.

And I know that there have been various implementations of technology, both at our ports—and in Washington State, ports are us. We move a lot of cargo container traffic. But we certainly believe in an international standard that will help us prevent dangerous cargo from ever reaching our shores. Once it's into one of our ports, it's already too late. So, we certainly want to hear what we're doing on a global basis to make sure that those technology deployments are happening.

And, like my colleagues, I want to hear about, on the aviation side, the passenger screening and profile issues, and to make sure that we're meeting a variety of challenges that come with those responsibilities. And so, like my previous colleague mentioned, these security measures are important but it's important that we keep commerce moving as well, because it's critically essential, particularly at this hard-hit economic time to make sure that we're doing all we can to continue to move traffic.

So, I appreciate you holding this hearing and look forward to asking Mr. Pistole some very specific questions about the process, both with passengers and cargo. Thank you, Mr. Chairman.

Senator LAUTENBERG. Senator——

Senator AYOTTE. Thank you, Mr. Chairman. I'll wait to ask questions.

I appreciate Mr. Pistole being here today, and for the difficult and important work you do to keep our country safe.

Senator LAUTENBERG. Thank you.

Senator RUBIO. Let's just move to the questions. I'll waive my time as well.

Senator LAUTENBERG. Thank you very much.

The Ranking Member of the Committee, Senator Hutchison, is here.

#### **STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM TEXAS**

Senator HUTCHISON. Well, thank you very much.

It's good to have you back since we had you for your confirmation. We'll see how you've weathered the storms. And, of course, there have been some.

I just want to say that I think there are still kinks that need to be worked out for the privacy and comfort of passengers who are going through these new machines where you have to put your hands up and get photographed. And I hope that you are continuing to work on those things, because I do hear a lot of complaints about them. And having gone through them, I understand those concerns.

Also I just hope that we will continue, as I think the Senator from Missouri said, to try to make travel a pleasant experience, particularly international travel where we have guests coming into

our country and we want them to have a good experience and want them to come back.

You have had a terrifically difficult job, which we know. And I would like to hear your statement about where you are finding improvements, and what your future suggestions are going to be.

And with that, I'll put the rest of my statement in the record and listen to you, and be able to ask questions.

Thank you, Mr. Chairman.

[The prepared statement of Senator Hutchison follows:]

PREPARED STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM TEXAS

Chairman Rockefeller, thank you for convening today's oversight hearing on the Transportation Security Administration (TSA). This is a timely hearing, given we are approaching the holiday travel season.

Today's hearing will set us on a course for initial work on TSA authorization legislation. It has been several years since we last authorized the agency and I believe it is important that we take a comprehensive and deliberate approach given the importance of the mission and policies to our national security.

I look forward to working with Chairman Rockefeller and the rest of the Committee members along with you, Mr. Pistole, as your thoughts and priorities will be weighed heavily during any authorization process. Clearly, there are a litany of serious challenges and threats that need addressing in order to maintain a safe and secure transportation system.

We must balance a secure transportation network and the free movement of commerce. There needs to be a check and balance in our methods to make sure the economy can grow and prosper under what we all hope can eventually be an "unseen," yet highly secure and efficient, transportation security network.

Given the sheer volume, complexity and international component of our global transportation network, finding effective and practical solutions is a notable challenge. We need to be focusing on bolstering our intelligence gathering and analysis and effectively utilizing proven methods such as canine teams. Across all modes, utilizing fundamental resources will go a long way in creating a strong domestic and international security network.

Administrator Pistole, I will have several questions regarding aviation, but as I am sure you are aware, the issue we still hear about most from our constituents is the airline passenger screening experience. As far back as your nomination hearing, I have emphasized there should be a goal of making the airport screening and travel process more smooth and seamless for all travelers. That goal needs to be done in a way that improves security, but also maintains passenger privacy. Reports indicate that you are making changes to the airport checkpoint; I will be interested to hear your strategy.

TSA is responsible for security in all modes of transportation. However, TSA has historically only played a supporting role with respect to transit and passenger rail security and other surface security issues, coordinating activities with the Department of Transportation and private stakeholders.

I continue to be concerned that too little effort is being dedicated to secure our surface transportation system.

An attack on our rail infrastructure could be crippling. While we have successfully avoided a domestic attack, many of our allies overseas have not had the same success. We simply cannot let something like the Madrid (2004) or India (2006) terrorism events happen domestically, TSA must focus more of its energy securing our nation's surface network.

Across all modes, after a decade in operation, it is still my impression that TSA often finds itself playing catch-up, fighting the last battle. I think we all appreciate the difficulties and daily struggle of maintaining a secure system, since we all understand that America still faces the grim reality of terrorist threats. However, we also know that terrorists are going to continue to adapt their methods to try to circumvent our multi-layered system, we need to be looking ahead of those threats and have a long-term strategy that fully utilizes all of the tools at our disposal.

Thank you, I look forward to the testimony.

Senator LAUTENBERG. Thank you very much.

And now I call on Mr. Pistole. And I ask you now, Mr. Pistole, to deliver your testimony.

Everyone knows, I believe, that John Pistole is the Administrator of the Transportation Security Administration. And Administrator Pistole will update us on TSA's efforts to ensure the security of our transportation system.

And I want to thank you for coming, Mr. Pistole. And I would now ask you to give your testimony.

**STATEMENT OF HON. JOHN S. PISTOLE, ADMINISTRATOR,  
TRANSPORTATION SECURITY ADMINISTRATION,  
U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. PISTOLE. Well, good afternoon, and thank you, Chairman Lautenberg and Ranking Member Hutchison, distinguished members of the Committee. It's a privilege and honor to be here today to testify. Thank you for that opportunity.

When I last appeared before the Committee, we were talking about some risk-based security initiatives. And most of that was still in the formulative stage.

Where we are now, I'm pleased to report that we have begun implementing several key aspects of risk-based security, and testing others at airports around the country, and all with a singular goal. And that is to provide the most effective security in the most efficient way.

As this initiative expands, we must ensure that each step we take actually strengthens security as we continue monitoring intelligence that indicates terrorists' continued attempts in terms of conducting attacks here in the U.S. involving transportation assets.

Anecdotally, last week I told Senators Lieberman and Collins and their committee that our officers continue to find four to five guns on average each day at the approximately 450 airports monitored by the TSA—people who have carry-on bags that are trying to get on the plane. And in the last 7 days since that hearing, we've prevented over 30 more guns from being carried into the cabin of an airplane, including nine just yesterday. Nine in one day.

Senator HUTCHINSON. Mr. Pistole, can I interrupt you for a minute and ask you—

Mr. PISTOLE. Yes, ma'am.

Senator HUTCHINSON.—do you consider most of those inadvertent forgetfulness?

Mr. PISTOLE. Absolutely. Yes.

Senator HUTCHINSON. Thank you.

Mr. PISTOLE. At least that's what they would say. So, yes.

So, because risk-based security is reducing the size of the haystack in which a terrorist may be hiding, we are focusing our resources on potentially higher-risk passengers, and the results thus far are positive.

Our commitment to new and innovative technology is a key component of risk-based security, and our success in discovering other non-metallic items is greatly enhanced with the use of advanced imaging technology, or AIT. These machines give our officers the best opportunity to find both metallic and non-metallic threats, and successfully detect items as small as a coin or a wrapped piece of gum—in this case, a Nicorette piece of gum.

Now, AIT is not perfect, and we continue working closely with industry to improve its detection capabilities. But, it's a combination

of technology, policy, and methodology that drives risk-based security.

Last month we began TSA Pre✓, a voluntary passenger pre-screen initiative that's being tested in four U.S. airports today, placing more focus on pre-screening individuals who volunteer information about themselves prior to flying. Because we know more about them, TSA Pre✓ travelers are able to divest fewer items, which could include leaving on their shoes, a belt, a light jacket, as they proceed through security screening.

Of course, we will always incorporate random and unpredictable measures throughout our security process, and at no point is a traveler guaranteed expedited screening. We don't want terrorists gaming the system. Initial feedback for TSA Pre✓ in the test airports has been favorable, with over 45,000 travelers having gone through the expedited screening process.

Today, I am pleased to announce the expansion of these efforts to select checkpoints in three more airports, as Senator Boxer alluded to. Las Vegas will be the first in December. And then LAX, Los Angeles International, and Minneapolis-St. Paul in early 2012. So, that will get us up to seven airports.

Efforts to expand identity-based screening also include a crew member screening system which helps positively identify and verify the identity and employment status of airline pilots. Under this program being tested at seven airports, tens of thousands of airline pilots have processed through this expedited screening, recognizing them as the most trusted people on an aircraft.

We're also evaluating an expanded behavior detection initiative that began this fall at Boston Logan Airport, and is also being tested in Detroit. In this initiative, behavioral analysis techniques are used by specially trained officers to determine if a traveler should receive additional screening.

This innovation used by many security agencies worldwide enables officers to better verify or dispel suspicious behavior and anomalies. Preliminary analysis from Boston shows an increase in detecting potentially higher-risk passengers. We frankly need additional information, additional data, to understand if this trend is statistically significant.

In August, we implemented new nationwide screening procedures for children 12 and under, allowing them to leave their shoes on and go through a less intrusive security screening. And the results from this nationwide screening enhancement show a sharp reduction—though not elimination—of pat-downs for children, and families have responded very favorably to these changes.

I'm also pleased to report the reinitiation of the Aviation Security Advisory Committee, with 24 members having been named by Secretary Napolitano. I look forward to meeting with them and hearing their views and recommendations.

Let me close with these thoughts. Innovation, partnerships, and a commitment to the pursuit of excellence—these are the watchwords of TSA as we move into 2012.

Thank you for the opportunity to be here today.  
[The prepared statement of Mr. Pistole follows:]

PREPARED STATEMENT OF JOHN PISTOLE, ADMINISTRATOR, TRANSPORTATION  
SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Good morning Chairman Rockefeller, Ranking Member Hutchison, and distinguished members of the Committee. Thank you for the opportunity to testify today about the Transportation Security Administration's (TSA) on-going efforts to develop and implement a more risk-based approach to secure our Nation's transportation systems. When I last appeared before this Committee this past June, our plans to implement additional risk-based security (RBS) measures were still in their formative stages. I am pleased to report that we have now begun operational testing of several key aspects of risk-based security that I will describe.

TSA employs risk-based, intelligence-driven operations to prevent terrorist attacks and to reduce the vulnerability of the Nation's transportation system to terrorism. Our goal at all times is to maximize transportation security to stay ahead of evolving terrorist threats while protecting privacy and facilitating the flow of legitimate commerce. TSA's security measures create a multi-layered system of transportation security that mitigates risk. We continue to evolve our security approach by examining the procedures and technologies we use, how specific security procedures are carried out, and how screening is conducted.

Since I became TSA Administrator, I have listened to ideas from people all over this country, including our key stakeholders and security professionals, and I have heard from our dedicated workforce and our counterparts abroad about how TSA can work better and smarter.

Based on this feedback, last fall, I directed the agency to begin developing a strategy for enhanced risk-based security (RBS), which is based on the simple premise of focusing our limited resources on the passengers we know least about. I am pleased to report to the Committee today that in the past few months we have taken concrete steps to implement key components of the agency's intelligence-driven, risk-based approach to security, advancing the agency toward the ultimate goal of providing the most effective security in the most efficient way possible.

#### **TSA Pre✓™**

This past October, TSA began testing a limited and voluntary passenger pre-screening initiative with a small known traveler population at four U.S. airports (Miami, Dallas-Ft. Worth, Detroit, and Atlanta). This pilot program will help assess measures designed to enhance security, by placing more focus on pre-screening individuals who volunteer information about themselves prior to flying in order to potentially expedite the travel experience. By learning more about travelers through information they voluntarily provide, and combining that information with our multi-layered system of aviation security, we can better focus our limited resources on higher-risk and unknown passengers. This new screening system holds great potential to strengthen security while significantly enhancing the travel experience, whenever possible, for passengers.

During this pilot, TSA is using pre-screening capabilities to make intelligence-based risk assessments for passengers who voluntarily participate in the TSA Pre✓™ program and are flying domestically from one of the four airport pilot sites. Eligible participants include certain frequent flyers from American Airlines and Delta Air Lines as well as existing members of U.S. Customs and Border Protection's (CBP) Trusted Traveler programs including Global Entry, SENTRI, and NEXUS who are U.S. citizens and are flying on participating airlines. The data collected from these pilot sites will inform our plans to expand the program to include additional airlines as well as other airports that participate in CBP's Global Entry program, once they are operationally ready.

TSA pre-screens TSA Pre✓™ passengers each time they fly through participating airports. If the indicator embedded in their boarding pass reflects eligibility for expedited screening, the passenger is able to use TSA's Pre✓™ lane. Because we know more about these passengers, TSA Pre✓™ travelers are able to divest fewer items, which may include leaving on their shoes, jacket, and light outerwear, as well as other modifications to the standard screening process. As always, TSA will continue to incorporate random and unpredictable security measures throughout the security process. At no point are TSA Pre✓™ travelers guaranteed expedited screening.

Transportation Security Officers (TSOs) in the four pilot airports are receiving very positive feedback from TSA Pre✓™ travelers while the two partner airlines have successfully demonstrated the technical capabilities required to participate in the program, thus paving the way for other airlines to follow. As we learn from these pilots, we are working closely with other airlines and airports to determine when they may be operationally ready to join. We are also working with CBP to

ensure that individuals who want to apply for Trusted Traveler Programs are able to do so in an efficient manner.

#### **Known Crewmember**

We hold airline pilots responsible for the safety of the traveling public every time they fly a plane. It makes sense to treat them as our trusted partners. To build on our risk-based approach to security, we are currently supporting efforts to test another identity-based system to enable TSA security officers to positively verify the identity and employment status of airplane pilots. The Known Crewmember program is the result of a joint test between the airline industry (Air Transport Association) and pilots (International Airline Pilots Association), which allows uniformed pilots from 22 airlines to show two forms of identification that are checked against a database called the “Cockpit Access Security System,” which confirms identity. After more than two months into the pilot program, and with deployments nearly complete at the seven participating airports, over 59,000 uniformed pilots have been cleared through the process with an average of nearly 1,900 approvals per day. Both Known Crewmember and TSA Pre✓™ are clear examples of TSA’s commitment to focusing its attention and resources on those who present the greatest risk, thereby improving security and the travel experience for passengers across the country.

#### **Expanded Behavior Detection**

Beginning this fall, TSA took steps to expand its behavior detection program that builds on existing Screening of Passengers by Observation Techniques (SPOT), which has grown since 2003 to include over 160 airports. Under the pilot program, TSOs employ specialized behavioral analysis techniques to determine if a traveler should be referred for additional screening at the checkpoint. The vast majority of passengers at the pilot airport checkpoints experience a “casual greeting” conversation with a Behavior Detection Officer (BDO) as they pass through travel document verification. This additional interaction, used by security agencies worldwide, enables officers to better verify or dispel suspicious behavior and anomalies.

Preliminary analysis from Boston shows an increase in the rate of detection of high-risk passengers. However, additional data is required to understand if the trend seen in the Boston data is statistically significant and replicable at other airports. TSA is currently conducting analyses with the DHS Science and Technology Directorate to estimate the number of cases required for validation. In the meantime, we are expanding this pilot to Detroit in order to collect additional data on incorporating enhanced real-time risk assessments into our other layers of security.

#### **Screening of Children 12 And Under**

This past August, TSA modified its screening procedures to provide more options to resolve alarms that may occur during the screening process of passengers 12 and under. With nationwide rollout complete as of late September, the data has demonstrated a reduction—though not elimination—of the need for a physical pat-down for children that would otherwise have been conducted to resolve alarms. We maintain our standard procedure that when a pat-down is required of any minor, a parent or guardian must be present and the screening may occur in private. TSA has also implemented additional measures to expedite the screening process where possible including allowing passengers 12 and under to leave their shoes on.

By streamlining procedures for these lower risk passengers through programs like these, TSA is better able to focus its finite resources on those who pose higher risks to transportation. We are continuously evaluating lessons learned from these modified procedures to determine our next steps as we consider future procedures to strengthen and streamline the security screening process for other low-risk populations.

#### **New Document Assessment Technology**

In addition to testing new procedures for low-risk populations, TSA is also employing technology to automatically verify passenger identification documents and boarding passes, providing TSA with a greater ability to identify altered or fraudulent documents. This technology, known as Credential Authentication Technology—Boarding Pass Scanning Systems (CAT-BPSS), will eventually replace the current procedure used by security officers to detect fraudulent or altered documents. CAT-BPSS enhances security and increases efficiency by automatically and concurrently comparing a passenger’s ID and boarding pass to a set of security features to verify their authentication and ensure that the information on both match. The system also verifies the IDs of airline personnel and can screen a wide range of travel documents. TSA began testing the technology in July 2011 and will deploy and evaluate the technology at TSA Pre✓™ airports in the near future.



### Conclusion

TSA will continue to enhance its layered security approach through state-of-the-art technologies, expanded use of existing and proven technology, better passenger identification techniques and other developments that will continue to strengthen aviation security. I thank you for the opportunity to appear before you today, and I look forward to answering your questions about the evolution of TSA's risk-based, intelligence-driven approach to security.

The CHAIRMAN [presiding]. Administrator Pistole, you seem to be in some ways in a no-win situation of late. Of course, that's, I guess, your usual condition, isn't it?

The TSA's been criticized for an over-reliance on physical screening. For a period of time we went through the pat-down and all that, and everybody got upset. And then, you've been urging us to pursue a more risk-based method based on the passengers.

Now TSA gets criticized by some of the various aspects of this approach. Clearly, TSA needs to utilize a variety of tactics to achieve best results.

I just want to ask you a question. You'll never satisfy the American public while trying to keep them safe. Isn't that basically true?

Mr. PISTOLE. The key, obviously, is to provide the best security in the most professional way that respects privacy and civil liberties, and that is our challenge every day. With approximately 1.8 million encounters, passengers traveling every day at the 450 airports it is, there is an opportunity for somebody to not be 100 percent satisfied, as in any business or any government activity. So, yes, it is a challenge.

The CHAIRMAN. My traveling is not as international or urbane as some members of this committee. But actually, urbane for me gets to be when I get out to Jackson Hole, Wyoming. But I have yet to see a TSA member—I don't want to seem like your flack here—be rude. On a number of occasions, and sometimes involving translational problems, you know, they do the best they can. I've seen them go to the farthest point of politeness extending themselves even though there's a long line waiting. And on a number of occasions I've found that I've gotten their names and said, who is your supervisor? I wanted to write them and tell them what a good job you're doing. So, it's very interesting.

People complain and then I, you know, travel. Granted not as much as I used to before I messed up my knee. But, my reaction is a very good one. Now, you change your methodologies. You change different technologies. I can remember, I think, 5 years ago going through Dulles Airport and putting my finger on a pad, and I was told that that will be operational in a period of time. And that was four or 5 years ago. I have no idea whether they're using that out there or not, or why. But, in other words, your people have to adjust.

Mr. PISTOLE. Right.

The CHAIRMAN. Your people have a certain degree of turnover. Some of that is economic, although you've tried your best on that. And the other is just that other opportunities occur and they take them. Are your people keeping up with what it is that you want them to do?

Mr. PISTOLE. Yes. Thank you, Chairman. Thank you for those positive comments.

I know the men and women of TSA who work the checkpoints every day appreciate that feedback any time it is positive, because the negative ones are the ones that are heard in the press.

Clearly it is a paradigm shift for TSA in our risk-based security initiative to get away from the one size fits all that looks at everybody as a possible terrorist. And so, the approach that we are taking, which I have buy-in from around the country from our workforce, is to exercise a little common sense, frankly, to look at the person as much as the prohibited item, with the key being, let's look for those items that could cause catastrophic failure to an aircraft.

And so, really that's two components: some type of electronic initiator, coupled with some type of mass that could be an explosive—or it may be a liquid explosive. But it's those two things.

So, the challenge is, how do we distinguish between those that we assess, make a judgment about? Recognizing this is risk mitigation. It's not risk elimination.

So as we try to mitigate or manage the risks, can we treat those that we know more about because they voluntarily shared information with us, such as through Customs and Border Protection's Global Entry Program, or through the TSA Pre✓ Program that we're doing now.

If we can do that on the front end, then we know more about them, we can make better judgments at the checkpoint. So, that expedited screening possibility that I mentioned over 45,000 people have already gone through, that allows us to focus our limited resources on those that may pose a higher risk, such as the ones that we know only what's in Secure Flight—name, date of birth and gender—or that we know the most about because they're on the terrorist watch lists.

So, here's how I start every day: Senior Leadership Team at TSA headquarters, with an intelligence briefing from around the world, from the CIA, NSA, FBI, all the security services around the world, to say what are the terrorists thinking? What technologies are they looking at? How are they trying to defeat our defenses, our layered defenses? And so, how can we use that in a smart, informed fashion? So, that's what the whole risk-based security initiative's about.

The CHAIRMAN. Look, I thank you. Granted, that was somewhat of a softball. I was trying to settle into my position. I'll try to ask you a more interesting question in my next go around.

Mr. PISTOLE. That was an excellent question, Mr. Chairman.

The CHAIRMAN. Senator Hutchison?

Senator HUTCHISON. Mr. Pistole, in February you changed the longstanding determination of prohibiting transportation security officers from collective bargaining. And while the determination prohibits these screeners from striking or engaging in slowdowns, it does allow for collective bargaining on non-security employment issues.

Could you update us on the status of that, and what you anticipate to be the issues that are involved in a collective bargaining when striking and slowdowns are not possible, but hours and the kind of work required are? I'd like to know if that's going to hamper in any way the effectiveness of your ability to say exactly what needs to be done for security purposes.

Mr. PISTOLE. Thank you, Senator. And the short answer is, no. It will not affect security in any way.

The determination that I announced on February 4 of this year was to do two things: One, to recognize a FLRA decision that required that we hold an election for the purposes of exclusive representation, but without regard to collective bargaining. That frankly didn't make a whole lot of sense to me.

So, my determination was to allow the security officers to vote on whether they wanted collective bargaining—because there was already 12,000 or 13,000 paying union dues without collective bargaining—and then, if they voted in favor of a union, then to move forward with collective bargaining at the national level.

So, that election was held. It was close between two unions, AFGE and NTEU. There was a runoff election, and AFGE won that. And so, since that time this summer, we've been working through a hybrid labor management relationship that is unique, both in the Federal Government and, I believe, in the private sector, because of the authorities given to TSA under the enabling legislation from November 19, 2001.

So, what that allows us to do is take off any issues related to security, and focus on the issues that I was hearing in town halls around the country that were important to the security officers. Things like pay and other benefits were important, but that's not something that I agreed to be subject to collective bargaining, along with the right to strike or things like that, which would affect security.

So, what we've been in discussions with the union on are those things that are important to them, such as appeal of disciplinary matters, of how should those be handled, things such as bidding on shifts that they work, issues about uniforms and things like that—all non-security issues. So, we are to the point of having ground rules be finalized. And then we are ready to move forward with them to address those issues that are important to our security officers.

Senator HUTCHISON. So, your view, is that this is going to be able to work out in a way that will not in any way endanger the security part of their jobs?

Mr. PISTOLE. Absolutely. And again, I have to credit the Congress for the insight and the prescience in terms of, the enabling legislation that gave that broad discretion authority, recognizing the inherent security issues that were unique to TSA in the aftermath of 9/11. So, thank you for that.

Senator HUTCHISON. Let me ask you about the program for known travelers to the three new airports. Is it your intention to continue to add more airports as you see the results of what you have now and how it's working? And are you, as you are adding airports, putting new processes in place because you've learned from something that worked or didn't? And if so, what?

Mr. PISTOLE. Yes. Thank you, Senator. Yes.

The goal is, after we expand to Las Vegas, LAX and Minneapolis, to look at other airports with other carriers. This is an ongoing process. For example, several major carriers are going through mergers right now, whether it's United/Continental, Southwest/AirTran. And so, their IT systems are such that they're not quite

ready to move forward. But they will be in the first quarter of next year in some measure.

And so, I hope to be announcing additional airlines and airports that would be able to accommodate those passengers, both in those frequent flyer programs at elite levels, and then also those CBP Global Entry people who sign up, pay a fee, through that program.

So, yes. The goal is to expand it as broadly as possible while maintaining the highest level of security; and, again, all done on a voluntary basis.

Senator HUTCHISON. Thank you, Mr. Chairman.

Thank you, Mr. Pistole.

Mr. PISTOLE. Thank you, Senator.

The CHAIRMAN. Thank you, Senator Hutchison.

And now we go to Johnny Isakson, the Senator from Georgia.

Senator ISAKSON. Thank you, Mr. Chairman, very much.

In the investigative report that you have seen and I have seen that was done by WSB in Atlanta, there were instances under, an undercover camera caught instances of one employee swiping their ID card and then holding a turnstile so three other people could go through. As I understand it, that's a, that's referred to as either escorting or piggybacking. Can you explain what of that would be permissible, and what would not be permissible?

Mr. PISTOLE. Well, as a general rule, neither would be permissible.

The question which, I don't have the details on this particular instance are, a situation where all four may be authorized access, and it's simply one person holding the door as a courtesy for the other three, as opposed to swiping. They should each swipe their badge if that's their required access, so there's a record of who is coming and going.

I don't have the details of that for this particular matter, but that's part of what we're looking into.

Senator ISAKSON. Can you, do you know, or—and I don't know, so, I'm asking. And you may not either. But, at Hartsfield-Jackson, was that the first encounter they would have with a security check? Or would there have been a previous encounter with a security check before they got to that point?

Mr. PISTOLE. I don't know specifically. It is airport specific, but at some airports they would go through an exterior security checkpoint, either the vehicle or the individuals. I simply don't know on this one.

Senator ISAKSON. Because I believe part of the reason for swiping rather than having ID security is also so you know who's at work and who isn't at work, and they get credit for the hours worked or not worked.

So, on, in terms of Gate Gourmet and Gate Safe, who are the two entities in terms of the food and service, do you normally, once you—I guess you approve a contractor, and they go through a certain process to be approved for security, I would guess that's true?

Mr. PISTOLE. Well, so, generally what happens is, we establish the security requirements for the catering company that the airport enters into a contract with. So, we're not necessarily involved in that. But we do establish a security regimen, and then inspect to those standards to make sure they are following those standards.

Senator ISAKSON. So, you have standards the airport has to meet. The airport does the approval of the——

Mr. PISTOLE. Right.

Senator ISAKSON.—the provider, whomever it is. Do you randomly or periodically inspect those—TSA now——

Mr. PISTOLE. Yes.

Senator ISAKSON.—the TSA randomly inspects those people to make sure they're compliant?

Mr. PISTOLE. Yes. So, we do hundreds, if not thousands, of inspections across the country involving all number of things, but as it relates to catering companies, we do both random and unpredictable inspections—surprise inspections, both with the airport and the catering companies to assess whether they are following those security regimens, those protocols that we have.

Senator ISAKSON. When I ran my company for years we had a little process called mystery shopping——

Mr. PISTOLE. Right.

Senator ISAKSON.—where we would have mystery shoppers that would test the performance of our employees in terms of service and courtesy.

Mr. PISTOLE. Right.

Senator ISAKSON. Do you use that type of approach from time to time?

Mr. PISTOLE. We do. And the Inspector General and the GAO also use those in terms of covert testing looking at what is, what we consider as part of the insider threat—people who have access to secure areas of airports. Yes.

Senator ISAKSON. OK. With regard to the inspection process—and I will say at Hartsfield-Jackson they have done a great job of expediting the throughput. I travel every week, sometimes twice a week, and it's been very good. But, I'm wondering about the radiation. I think last week you in another committee hearing said you were re-evaluating the effects of radiation in terms of the new inspection. Can you talk about that for a second?

Mr. PISTOLE. Yes. And since that time, Senator, of course the testing had been done before we ever deployed the advanced imaging technology, the backscatter technology, that, all the independent scientific studies that we had demonstrated that the minimal, the really minute amount of radiation that was being emitted is well below anything that would ever reach even the minimal standards of safety. And the equivalent was 3 minutes at altitude flying, the natural radiation that you receive is the equivalent of going through one time.

That being said, I had a response to a question from Senator Collins, who asked for a new independent study done by DHS. And since that time, there has been a draft IG report that I just received, but the IG has allowed me to speak about it here today—which confirms our previous findings based on their study and their analysis. And they made, I think, five or six recommendations which we agree with. But none of those go to the actual safety issues which have been called into question.

So, my strong belief is that those type of machines are still completely safe; they always have been. So, I want to reassure the traveling public on that. And if it determines, if the determination

is that this IG study is not sufficient, then I will look at it still, yet another additional study.

Senator ISAKSON. My time is up. Thank you and thanks for your prompt response to my request.

Mr. PISTOLE. Thank you, Senator.

The CHAIRMAN. Thank you, Senator.

Senator Lautenberg.

Senator LAUTENBERG. Thanks, Mr. Chairman.

I tried a palace coup but the team didn't spring to—

[Laughter.]

Senator LAUTENBERG. I know where the power is, Mr. Chairman.

[Laughter.]

Senator LAUTENBERG. Mr. Pistole, one of the many benefits of rail travel is the ability to easily and efficiently get on the train, and get moving to your destination. What can we do to improve security without sacrificing convenience to the large number of passengers that use rail and public transportation?

Mr. PISTOLE. I think, Senator, it really comes down to the partnership that we have, for example, with the Amtrak police, and their very effective deployment of both uniformed officers and canines at certain points and certain stations as people enter, some random bag searches. But then, also, their actual presence on the trains, for example. So, I think that's significant.

And it's also the visible intermodal protection response efforts that we do, the VIPER Teams that—again, we know from terrorist debriefings that they are dissuaded by three things: closed circuit TV—if they're not a suicide bomber; uniformed officers; and canines.

So, it's that combination of those three things that we try to use in terms of the—whether it's Amtrak police or the Metro Transit Authorities; whether New Jersey or New York—those that have the front line responsibilities, we can augment their resources, either through training or through personnel, or through the hardening of targets that we've done—for example, on the PATH tunnels between New Jersey and New York.

Senator LAUTENBERG. As I mentioned in my opening remarks, we don't spend as much as one would think with the volume of traffic that there is on rail, but—

Mr. PISTOLE. Senator, if I could just comment on that. So, if we just look at our budget, that's true. But when we look at the grant funding that we provide, which is not included in our budget, then that ratio changes somewhat significantly, and it's much more akin to what the actual risk scores that we provided in a classified setting. Say, here's where we assess the aviation risk; here's where we assess the surface risk. And so, when you look at the total funding, frankly, the several billion dollars that we provided in surface transportation through grant funding since our creation, that ratio comes out much more consistent with how we assess risk.

Senator LAUTENBERG. Last year, GAO found that TSA needed to do a better job of providing transit security to the areas most vulnerable to attack. What do we need to do to make adjustments to that process, to ensure that funds truly are spent in the highest risk areas?

Mr. PISTOLE. One of the things that we've done this year, Senator, is to enter into a Memorandum of Agreement with FEMA, who actually administers the grant funds. In the agreement, they accept our risk assessment and then allocate funds based on the risk assessment—and demonstrated need through the grants application process. And so that, we found, worked much better, this year than in previous years, because we are putting the money where the highest risks are. So, obviously, the New York metropolitan area, including parts of New Jersey, received more money than, perhaps, other areas that were assessed as being at lower risk.

Senator LAUTENBERG. Yes. Well, I hope that we're going to be pretty observant about that as we come into this next fiscal year, because we still have that vulnerability, most risky two-mile stretch between the airport and the harbor. And, as is, as we see the review of funding, we're looking at significant cuts proposed in the areas of grant giving under the Homeland Security budgets. And I would ask to hear from you as to what you think these cuts are going to mean in terms of your ability to take care of things.

Mr. PISTOLE. I think in a nutshell, Senator, it really comes down to making sure that we are investing smartly in the highest risk areas. We can't be all things to all people, all places, at all times. We can't mitigate all risks. So, let's make sure that—based on the intelligence, based on everything we know—that we are putting our money, our U.S. taxpayer money, toward those highest risks.

Senator LAUTENBERG. Mr. Chairman, may I have the courtesy of another quick question?

During the first 3 months of this year, there were an unusually high number of breaches at Newark Liberty. At a meeting in April, you and the newly appointed Federal Security Director at Newark Airport indicated TSA would provide a report on specific actions taken at Newark to improve security and cut breaches. Can you tell me when we can expect this report to be available?

Mr. PISTOLE. It should be available in the next, let's say 30 days. I just saw the draft yesterday. I believe it's ready. I spoke with Don Drummer, the Federal Security Director there this morning about it, and he is ready to brief you as soon as your schedule allows.

Senator LAUTENBERG. Thanks Mr. Chairman.

Thanks, Mr. Pistole.

The CHAIRMAN. Thank you Senator Lautenberg.

Senator Blunt?

Senator BLUNT. Thank you, Mr. Chairman.

Mr. Pistole, I want to talk almost exclusively about the Screening Partnership Program.

And I may have some written questions that I'll want to submit if we don't get through with this discussion today, which we may not.

Senator BLUNT. When that program was created, it was created intentionally to see what would happen if there is a private sector alternative out there. Now, who—does the airport come to you if they want to try that, and they say, we'd like you to bid this process for us with someone other than the TSA that's running it now? Or, I guess they might also say someone other than the private sector person that's running it now. But, you bid that out, is that right?

Mr. PISTOLE. Yes. The airport would come in and say, we would like to consider something, somebody other than TSA to run our airport operations. In the past we have looked at those—and, of course, we have the 16 that were, from early on, that are continuing, and with San Francisco being the largest of those; Kansas City, obviously, being the second largest.

Senator BLUNT. Mm-hm.

Mr. PISTOLE. And then a number of smaller airports. So, that is a process.

And if I could just give you a little bit of background on my decision from January of this year: I am clearly interested in any best practices, any efficiencies, anything from the private sector that can help us do our job better.

You look—we've invested billions of dollars in the private sector in terms of technology and ways of accomplishing our mission, including H.R. issues, IT issues, in addition to what you see at airports—the in-line cargo systems, the baggage systems; we also check 100 percent of all bags for explosives. So, we've invested taxpayers' billions of dollars in private industry to do just that.

That being said, as far as the workforce, my approach is that I believe that TSA should be a Federal counterterrorism agency focused on preventing another 9/11 or something like that from happening. I have greater flexibility with TSA airports in terms of surge capacity in case there is a natural disaster like Katrina, or something like that—but if I need to move people, I can't move any of the airport personnel because they are a private company and that, and there's, many of them have their own rules and things, so I'm limited in that.

The other part is trying to push out classified intelligence to as many people as we can, so I've expanded the number of people within TSA who have access to classified information to help them make better judgments and decisions.

So that being said, that's my general philosophical approach. But I am open to new applications from airports. We've approved, I believe, five renewals of those 16 this year, so I want to keep those in place, assuming they're doing the best possible job.

I would note, even those privatized airports, there's been some arguments made that say, well, we could save lots and lots of money if they were privatized. Obviously, taxpayers' money is still being used to pay those private airports. It's just not going to Federal employees. It's going to private employees.

So that being said, in each of the 16 airports that we have, each of those, save one very small airport—actually costs the taxpayers more than if it was a TSA-run airport. That is because we are paying basically the same wages, but then there's the overhead from the private company that—obviously, it's a for-profit business—and so, we have those considerations.

Senator BLUNT. Is the GAO totally in agreement with that analysis? I think they say you don't consider everything you should consider in that comparison.

Mr. PISTOLE. GAO and others look at four different aspects of the costing, and so it depends on what, if you're comparing apples to apples or one of the four different models, including such items



such as, are they counting retirement costs—you know, pension funds and things like that?

Senator BLUNT. Right. OK. So, you've capped this at 16, is that right?

Mr. PISTOLE. Not capped it. That's what it is now. So we actually have, I denied five back in January. Two of those five have come in for reconsideration. What I'm looking for—is there a clear and substantial advantage to the taxpayer and to the traveling public, obviously, in terms of security and efficiency? So those will be, those are being reviewed, and we'll probably have a decision in the next 30 days on those two—

Senator BLUNT. And three of those five, the, three of the Montana locations, I think actually, your predecessor asked them to apply for the private program, is that?

Mr. PISTOLE. I'm not sure about that. I have to look into that, Senator.

Senator BLUNT. I think that's right, I think I can make the comment that TSA went to three of these airports and said, why don't you apply for the private program? And then in January of last year you said, we're not going to let you go to the private program.

Mr. PISTOLE. I'll have to look into that, Senator, I'm not sure about that.

Senator BLUNT. You know, I think the view that the private competitor doesn't give you the flexibility as a government employer is outside of the idea that actually the government would do a better job if the airport and the government both knew that the airport had another option. And I'd ask you to consider that philosophy as part of looking forward.

We would all understand transferring people from place to place and a little more government control. But you have a lot of control and you're the one that issues that contract.

Mr. PISTOLE. Right.

Senator BLUNT. And frankly, competition is a good thing in almost all places. And I believe in the 16 airports that you've got it's been a good thing. I don't know of any Kansas City or San Francisco performance areas that are outside the norm of TSA.

Mr. PISTOLE. No. And you're right, Senator. They, out of the 16, some are higher in security testing; some are lower in customer satisfaction. So, it's a range. So yes. It's accurate to say that, I would say—

Senator BLUNT. That they're normative.

Mr. PISTOLE.—better or worse. So, yes.

Senator BLUNT. Right. I'm out of time. I'll submit some more questions on this.

Mr. PISTOLE. Thanks, Senator.

Senator BLUNT. And it's a topic that I'm very interested in, and I know the philosophy of having that out there.

Mr. PISTOLE. Right.

Senator BLUNT. And I'm glad to hear you say it's not necessarily limited to 16, though I think the overall philosophy that the government can do this better is not necessarily the right philosophy.

Thank you for the extra time, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Blunt.

Senator Cantwell?

Senator CANTWELL. Thank you, Mr. Chairman.

Mr. Pistole, there's a story in Washington State about a gap in security related to railcars and sulphuric acid and other powerful corrosives that can release toxic vapors. I don't know if you've read or seen about this, but basically a train was left idle but running for 6 hours, at least physically unattended. So, that brings up a couple of questions.

What can TSA do to work with the Federal Railroad Administration to make sure that there aren't these kind of gaps in security in the system?

Mr. PISTOLE. Thank you, Senator. Yes, I understand the FRA has initiated an investigation based on that to see what safety issues were addressed.

Obviously, our focus is on security from the standpoint of, is what's on that train considered a toxic inhalation hazard? Is it something that can be used by terrorists as a weapon, if you will, against our people? And so, we've worked very closely with the rail industry—and in fact, over the last 2 years, they, with our strong support and encouragement, have reduced the toxic inhalation hazard in urban areas, which is the primary hazard, by over 90 percent by doing simple things, such as securing the locomotive through various means; not parking the trains overnight. For example, it used to be done just within a half mile of here, of the Capital. So, not leaving those railcars with toxic inhalation hazards in them close by where they could be used as some type of weapon. So, that's been a positive.

I know a little bit about the situation, basically what I've read. So, we will work with FRA to make sure that those type of situations do not repeat.

Senator CANTWELL. So, you do think it's a problem?

Mr. PISTOLE. I think it's an issue that needs to be addressed both from a safety and security perspective, yes.

Senator CANTWELL. OK. And then, just that, you know, that high threat urban area?

Mr. PISTOLE. Yes.

Senator CANTWELL. This is a picture of Puget Sound, and what that definition looks like.

Mr. PISTOLE. Yes.

Senator CANTWELL. But in this particular case, this train was left 30 miles from a city of nearly a half a million people. And, I think, Tacoma, which is right here, would take it kind of personally that they are left out of a high threat urban area. So, it's a very populous area, so you had to draw the line somewhere. But the notion that somebody could leave a train with those kinds of chemicals unattended in Tacoma would be shocking for people to find out. So, I think this, too, needs to be addressed, this high threat area definition, and the materials that, you know, need further regulation, both of those. Would you agree?

Mr. PISTOLE. Yes, absolutely, Senator. I'll look into those, and especially as it relates to Tacoma, if that is the way that the rules are written, I'll review those with our folks in FRA.

Senator CANTWELL. And I think in this case, the train was left outside of Spokane or not far from Spokane, so I mean, I don't think Spokane qualifies for this either, and yet there's a lot of rail

traffic that goes through there. And I think a lot of people in Spokane would say, wait a minute, we're not part of this protection?

Mr. PISTOLE. Right.

Senator CANTWELL. So if you could get us answers, that would be great.

Mr. PISTOLE. I will do that, Senator.

Senator CANTWELL. Thank you.

Mr. PISTOLE. Thank you.

Senator CANTWELL. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cantwell.

Senator Ayotte.

**STATEMENT OF HON. KELLY AYOTTE,  
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator AYOTTE. Thank you, Mr. Chairman.

I would like to ask you, Mr. Pistole, to give us an update on the report that was issued by the GAO addressing the transportation worker identification card, and the fact that TSA has failed to implement and evaluate the program to make sure that only qualified individuals are having access to our ports and NTSA-regulated facilities.

And one of the biggest concerns of the GAO report was that you had not evaluated the effectiveness of the program. And when you last came before our committee, I expressed concern that we were giving people a perception of greater safety, rather than the reality of greater safety, if we weren't measuring the effectiveness of this program.

So, can you tell us where we are 6 months later with respect to the GAO findings on the TWIC program?

Mr. PISTOLE. Yes, thank you, Senator. So, the good news about the TWIC program is that we are doing vetting and background checks for approximately 2 million workers—particularly dock workers, port workers. So, we know who those people are, and we're not allowing people who are on a terrorist watch list or anything to get those cards. Some do have criminal records, and there is a list of disqualifying felonies that would keep somebody from getting a TWIC card.

The challenge has really been in the deployment of the card readers, which makes it so it's not simply a flash pass, if you will, so you can just show the card, because there's not a viable card reader.

The U.S. Government had a number of challenges working with both industry in terms of developing the card readers that could withstand conditions across the U.S.—for example, in Portsmouth or perhaps in New Orleans, or even Anchorage or something. So, the, part are those challenges.

The others was collecting enough data from the dock workers themselves to say, OK, is this going to work? Do you have to actually enter the card? Do you have to, you know, do a key? Or something like that.

So the GAO report you referenced, I think they had six recommendations. We agreed with those recommendations. Our challenge is to make sure we can get our process done so the Coast Guard, which has responsibility for actually operating the card

readers once they are installed, along with the port authorities and the companies, have a viable system that is not simply a flash pass or something that appears to give better security than it does.

So right now, you're absolutely right. It is not, the intent of Congress has not been completed to provide the best possible security at the ports and it is a continuing process.

Senator AYOTTE. So you would agree me we still have a long way to go?

Mr. PISTOLE. I would agree with that.

Senator AYOTTE. And what about the issue of, we're in a position where many of the people who have been enrolled are actually going to be up for renewal in 2012, which I think you and I talked about before, which, again, millions of workers are going to be making trips, and sometimes it's difficult for them. And how do, where do they go get this renewal? And particularly, since we're asking them to do it in the context of a program right now, where we haven't measured the effectiveness; we don't have the card readers in place to know that we're really even doing anything to protect port security.

So, can you help me with that piece of it, as well?

Mr. PISTOLE. Yes, and I agree, Senator. I mean, it's frustrating to think that if you applied for, paid for, and received a TWIC card 5 years ago, and you're up for renewal and you haven't even been able to use it, that does not reflect well on the United States Government. So, that is something that is frankly disappointing, and I'm focused on trying to make sure that we can at least get the cards online, such as with card readers in certain ports. Some work well; some, again, need some refinement.

The way forward is, as I mentioned, to get that done, get all this done. And what I'm looking at is, do we need to make some type of modification in terms of the renewals? If people haven't been able to use them, do we extend the time period until they can use them? Or some other options there.

Senator AYOTTE. Well, I would certainly be interested in your keeping the Committee updated going forward in terms of the effectiveness of this program, and whether or not we have to take a different approach if we aren't able to implement the card reader system in an effective way, so that we're not giving people the perception, again, of greater safety, but the reality is very different.

So I appreciate your coming before the Committee today.

Mr. PISTOLE. Thank you, Senator.

Senator AYOTTE. Thank you.

The CHAIRMAN. Thank you, Senator.

Senator AYOTTE. Thank you.

The CHAIRMAN. Next will be Senator Klobuchar.

**STATEMENT OF HON. AMY KLOBUCHAR,  
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Thank you very much, Mr. Chairman. And it's good to see you, Administrator.

Mr. PISTOLE. Senator.

Senator KLOBUCHAR. I was saying good things about you at our Judiciary hearing. I don't know if you heard that.

Mr. PISTOLE. I did not hear that. Thank you very much.

Senator KLOBUCHAR. OK, well, I'm glad I got to tell you that.

Mr. PISTOLE. Noted, thank you.

Senator KLOBUCHAR. It was just, we had a few grumpy senators—not that we ever do—about the work of your employees. And I just have found that there has been a huge change in morale, and I think you're doing a good job. And I also liked how you defended them when there were questions raised. It's always legitimate to raise questions. But it's been my impression, someone that works with them every day, that they have incredibly hard work.

Mr. PISTOLE. Thank you.

Senator KLOBUCHAR. They have incredibly hard jobs and do a good job.

Mr. PISTOLE. Thank you, Senator. The men and women at TSA appreciate that. Thank you.

Senator KLOBUCHAR. Thank you.

Now, I was also pleased to see that you have chosen the Minneapolis-St. Paul Airport to be one of three airports where you're rolling out the Pre✓ program. I know you've done some other ones, as well, to pre-screen certain known air travelers. We have a hub, a successful airport that we love. And I wondered if you could talk to us about how this will work. What's the timeline for the rollout?

Mr. PISTOLE. Yes, thank you, Senator.

So, Minneapolis will be in January or February, so we're working with the airport and the airline. Because one of the things we want to make sure is that we can provide what I believe are the services that will be attendant to this. So, what's involved is, at certain checkpoints it will be a dedicated lane for those people who are part of TSA Pre✓, or part of Global Entry.

And then they are allowed to go to that dedicated lane. They would have their boarding pass in their hand, with the barcode embedded with the information. And that's why the airlines were critical partners in this, along with the airport. So they would go to that checkpoint and have their boarding pass scanned. And assuming they're part of this low risk category, then they would be able to keep their jacket on, belt on, shoes on, their 3-1-1 liquids in their bag, and the laptop in their briefcase as possibilities.

There are no guarantees in this, because we will do random and unpredictable searches. Even though nine times you've traveled that way, on the tenth time you may be asked just to go through regular screening. But that's the whole intent as we separate those that we know more about, because they voluntarily share information.

Senator KLOBUCHAR. And then, what kind of information do you have to provide ahead of time? Is it biometric data, or what is it?

Mr. PISTOLE. If you go through CBP's Global Entry Program, including Nexus or Sentri, which is on the Canadian and Mexican borders, then yes. You do biometrics you submit to an interview; criminal history check and some other issues; which allows you to re-enter the country from a foreign travel on an expedited basis also.

Senator KLOBUCHAR. How many people are in it at the few airports you've already started it in?

Mr. PISTOLE. Hundreds of thousands are eligible. Right now it's just domestic-to-domestic. So if, for example, somebody's flying

from Minneapolis to Amsterdam, they would not qualify for this. It's only, we're going to make sure we get it right domestically first. There's a lot of interest from overseas, particularly the EU, with all the flights back and forth. But I want to make sure we get it right here, domestically, before we afford that benefit to those who may be coming here from overseas, and reciprocity there.

And so, but thus far we've had over 45,000 people go through in the month since we started this in the four airports—Detroit, Atlanta, Dallas-Fort Worth, and Miami.

Senator KLOBUCHAR. OK. Then also, you're rolling out this stick image body scanner equipment, is that right?

Mr. PISTOLE. Well, it's not a stick image. We call it generic outline of a person.

Senator KLOBUCHAR. Oh, that sounds better. I just call it what it looks like to me, but—

Mr. PISTOLE. Well, yes. For those who may have artificial joints and things that, yes. It's a generic outline of a person, addresses the privacy issues that have been raised in the past.

Senator KLOBUCHAR. OK. And so, this is software? I know you're trying it out at the Rochester International Airport?

Mr. PISTOLE. Yes so, we call it Automatic Target Recognition, ATR. So it's simply a software modification to the existing equipment with the same detection capabilities. But as you walk through, after you walk through, you know, the few seconds you're there, then you step out, you can actually turn and see the generic outline of a person, which is the same for each of you. And if there's an anomaly, that simply shows up as a small rectangle.

For example, if you left, you know, a phone on your belt or something—not on a belt, but on some place; or, as I mentioned in my opening, it actually picked up a piece of Nicorette gum in a person's back pocket. So, it can detect small items like that. And so, that's the whole process. Passengers can see that there's no need for remote imaging vision, a room to see that image. And if there is an anomaly, it's simply a pat-down of that area. So, as opposed a full pat-down, it's simply, OK, there's something there.

For example, I went through recently and they said, can we check under your tie? I said, yes, sure, and so, there's nothing there. And so, I went off.

Senator KLOBUCHAR. And how is it going so far?

Mr. PISTOLE. Very positive feedback from travelers who appreciate the privacy protections that are built into it. And the security officers find, again, that the detection capabilities are the same as, or better, as we continue pushing industry to strengthen their detection standards.

Senator KLOBUCHAR. OK. And I'm going to ask my remaining questions just in writing. But I did want to let you know, Senator Blunt and I head up the tourism work that's going on in the subcommittee. And we've been working very well with the State Department to try to move some of the visa wait times.

Mr. PISTOLE. Right.

Senator KLOBUCHAR. And so, while I know that's under their jurisdiction, obviously we're also focused on some of the work with TSA in trying to speed things up and make them as friendly as possible for our visiting travelers.

Mr. PISTOLE. Thank you, Senator.  
 Senator KLOBUCHAR. Thank you.  
 Mr. PISTOLE. Appreciate it.  
 Senator KLOBUCHAR. Very good.  
 The CHAIRMAN. Thank you, Senator Klobuchar.  
 Senator Boozman?

**STATEMENT OF HON. JOHN BOOZMAN,  
 U.S. SENATOR FROM ARKANSAS**

Senator BOOZMAN. Thank you, Mr. Chairman.  
 We appreciate you being here—

Mr. PISTOLE. Thanks, Senator.

Senator BOOZMAN.—Mr. Pistole. And I know that you and your guys are working really hard to do the best you can.

I'd like to take a minute, though, to share a story. I have a dear friend. This individual is a medical doctor. He's 91. He's got metastatic prostate cancer. He was actually the team physician when I was in high school. And when I was 14 I had a ruptured spleen and he's credited with saving my life. So I know the family very, very well.

He was flying back to Arkansas. It's a two stop flight. And because of that he had to pack an extra sterile catheter. During the procedures, he was patted down five times by five different individuals. He was threatened with opening his sterile catheter, and also threatened in not getting onto the airplane. Finally, the chief TSA agent came and did the final pat down.

Again, this guy's a physician. And he was decorated in World War II. He's seen and done about everything; doesn't complain about anything. But this really did shake him and the family that was accompanying him. They just didn't really feel he was treated like he should be treated. We've heard—and I think it actually did jeopardize him mentally and physically, the whole bit.

Today, we've had testimony about the pre-flight programs for frequent fliers. Is there a program, or can there be a program, for individuals like this that don't fly very often, that are in this kind of shape that basically I would say we can use some common sense, and—

Mr. PISTOLE. Right.

Senator BOOZMAN.—do some things to prevent these kind of things from happening.

Mr. PISTOLE. Thank you, Senator. And I'm sorry to hear about his unpleasant experience. And if you'd like to get me his name I'll be glad to reach out for him personally to talk to him.

Yes, clearly the goal is to focus on the higher risk. And, you know, the doctor, your friend that you described, common sense says is not a higher risk.

We've actually look at age as a factor in terms of who's on the terrorist watch list. And I can, not in this setting, but in a classified setting I could tell you exactly the ages and the ranges. I was frankly surprised that there are some, let's just say, quite senior citizens who are on the watch list.

That being said, it is such a small number that in a risk mitigation and risk-based security approach, we are looking at ways that we could recognize those of a certain age—and again, I won't say,

because I don't want terrorists to game the system—but of a certain age that would be given an expedited screening, recognizing that we don't want somebody to be unwittingly used by somebody carrying something on, as has happened overseas in the past.

So that is underway. I do want to manage expectations, because it is quite a challenge. How do we do that? And how do we make sure it's done evenly and consistently? But again, we are looking at that.

Senator BOOZMAN. Can we, is there the ability to, in training our screeners, that they recognize some of these objects that they come across? You know, the catheters?

Mr. PISTOLE. Yes.

Senator BOOZMAN. You know, that are consistent with this kind of condition. Again, looking at these people—and I'll tell you to be honest with you, if an individual, you know, if the TSA agent can't look and kind of put all this together, if he can't do that with the sick and elderly, then he can't do it with somebody that really is a terrorist, because so much of this is having that ability to feel like something's right. And in these kind of cases you ought to feel like something—or, something's wrong, rather.

Mr. PISTOLE. Right.

Senator BOOZMAN. And in this case, you ought to feel like this checks out; I need to do something more important.

Mr. PISTOLE. It's a good point, Senator. And I would just note that the checkpoint, obviously, is just one of the many layers of security that we use. And hopefully, a putative terrorist is going to be on somebody's radar before they ever get to a U.S. airport or coming to the U.S. So, whether it's CIA, NSA, FBI information about investigations, hopefully that person will be identified. If that's not the case, and a person—you can call them a clean skin—a domestic terrorist who's not on anybody's radar, gets in the airport and tries to do something—then it comes down to the men and women of TSA to provide that security, or the Federal Air Marshals onboard.

But the whole goal is to provide more common sense and say, OK, how can we differentiate those that we can make some judgments—again, not risk elimination, but some informed judgments, and say, the great likelihood is this person's not a terrorist. And so what can we do to facilitate their travel rather than hinder the travel?

Senator BOOZMAN. Right. And perhaps we can use the lessons that we've learned with the 12 and under, and say we've got a problem here. And, again, use the same kind of reasoning with somebody that's sick and elderly in their nineties, that obviously, looking at the age, looking at the condition, the things that they're carrying.

Mr. PISTOLE. Right.

Senator BOOZMAN. And then again, like with a sterile catheter that you need to exist, you know, not exist, but to function, you know, on the rest of your trip, to put you in grave distress—

Mr. PISTOLE. Right.

Senator BOOZMAN.—to have the common sense not to threaten. So, thank you.

Thank you, Mr. Chairman.



Mr. PISTOLE. Thanks, Senator.

The CHAIRMAN. Thank you, Senator Boozman.  
Senator McCaskill?

**STATEMENT OF HON. CLAIRE McCASKILL,  
U.S. SENATOR FROM MISSOURI**

Senator McCASKILL. Thank you, Mr. Chairman.

Can you tell me, Mr. Pistole, what is the ratio of workers to scanning machines in the airport? How many workers does it take to run a machine?

Mr. PISTOLE. So, if you're talking about a walk-through metal detector, there's—

Senator McCASKILL. No, no. I mean the scanners.

Mr. PISTOLE. The advanced imaging technology. So, the budget—I'd have to make sure I have this right, but I believe it was five people that were budgeted for the advanced imaging technology, with the belief that we would have the ATR capability in Fiscal Year 2012. And so, that's what we're building to. And that figure is based on—and I stand to be corrected on that by staff if that's not right. I'm thinking 5, 5.5.

That is not just at one time and place, so that includes 7 days a week for however many hours a day that airport checkpoint is open; includes leave; includes all those things. But to adequately staff, to make sure that we don't have 2-hour waits, then I believe that's what it is. Again, I stand to be corrected by staff on that.

Senator McCASKILL. Well, I've gotten different answers. I've gotten, Secretary Napolitano said it would be six, more than six screeners per machine. I think your staff has told my staff 6.25.

Mr. PISTOLE. OK.

Senator McCASKILL. In the budget for 2012, you have requested a total of 275 AIT scanners and 510 positions, which really concerns me.

And the reason is, is that, I am in commercial airports at least twice a week, almost every week. And these days it feels like I'm there three, four, sometimes—I took nine commercial air flights in less than 3 days not too long ago.

And so I've become quite an expert on your checkpoints, because I have an artificial joint.

Mr. PISTOLE. OK.

Senator McCASKILL. And I will tell you that many, many, many times they are not operable. Many, many times there is the strap across them.

And I finally, not too long ago, I asked someone as I went through, is it possible for me to wait until someone comes back for the scanner? Because I try to avoid the pat-down at all costs. I made a joke in this committee hearing about the love pats I had to endure. I've got to tell you, they are, sometimes they are just unbelievably invasive, and very painful for me to endure.

And so I really don't want to have to do that. And so I, the minute I hit a checkpoint, I start scanning to see if there's a machine. In St. Louis, where I normally go through, there's not one. And everybody's pretty good there, except one woman. And if I see her coming, I just tense up because I know it's going to be ugly in terms of the way she conducts her pat-downs. And I just am con-

fused as to why we are spending money on this technology if we can't afford to operate it. And then, second, my question is, if we're—I asked at one, is it possible for me to wait? And they said, "Well, do you have an artificial joint?" And I said, "Well, as a matter of fact, I do." And they said, "Well, we'll open it for you." They didn't know who I was. This wasn't because I was a senator or anything. These people had no idea who I was. I wasn't in Missouri. And they said, "Well, sure, we'll open it for you if you have a joint."

And I'm thinking, well, do you have to know to ask? Because there's no signage that says, "If you have an artificial joint, ask, and we'll open the scanner for you." So I need you to address these things.

And why aren't we putting signs up and prioritizing those people that are going to set the alarm off, no matter what, that's going to cause extra personnel?

And then that brings me to my final point I'd like you to address, and that is, why not more women? I have to wait a long, long time because there are always more men available to do the pat-downs than women. And even when I go through the scanner, they always catch my watch. I actually had a man, as I came out of the scanner that heard in his ear to check my watch, and I had no sleeves on. So this was all that was on my wrist. He said, "I can't check it. I have to wait for a woman."

So I'm going, really? You can't look at my watch and see that this is not anything to be concerned about—and he said, "No, I have to wait for a woman." And so I had to stand there to wait for a woman, which was a long time. So if you would try to briefly address those issues.

Mr. PISTOLE. Yes, and thank you, Senator. And I'm sorry for your unfortunate experiences.

The whole idea of advanced imaging technology is twofold. One is to take the nonmetallic threats that we saw on Christmas Day 2009 with Abdulmutallab, and frankly, to increase throughput, because we are able to get more people through at least that portion of it.

And we still have the checked bags—I'm sorry, the carry-on bags—that we have to review. And that, frankly, takes longer than it does the person. So, but we can get more people through the advanced imaging technology than we can through the walkthrough metal detector in general fashion.

It really comes down to each airport and the staffing at each airport. So, if I could have staff follow up in terms of where you've had those issues, and I'll find out—

Senator MCCASKILL. Almost everywhere there is a machine, it, they may only have one going.

Mr. PISTOLE. Right.

Senator MCCASKILL. That's the other thing. You've got to figure out—OK, if I get in this line, will they let me walk all the way over here? Almost always, with very few exceptions, are all the machines working at once.

Mr. PISTOLE. OK. And then, I'll also follow up on the signage issue, and the fact that if there is a machine that you can simply say, may I go through that? And they say, yes, then, yes, obviously

the traveling public needs to know that—and especially as we look at the holiday period coming up here.

I'll make sure that we are clearer on our signage, and more readily available, on our website where we encourage everybody to go look at—the website, to say, here—especially if you're an infrequent traveler—here are the things you should be prepared for, not only to help yourself but all your fellow travelers who are behind you in line, who may be slowed down because you're not.

Senator McCASKILL. If you would look into those issues——

Mr. PISTOLE. I will do that, certainly.

Senator McCASKILL.—and the hiring of women and the disproportion of men and women.

And let me just say, I agree with Senator Klobuchar. The TSA workers have a hard job, and they do a good job. But I'm used to my privacy being invaded, because I chose a public career; and I'm not usually one to complain about that.

But when you have the traveling public tell you that sometimes these pat-downs are unacceptable, trust me, they are not exaggerating. There are many times that women put hands on me in a way that, if it was your daughter or your sister or your wife, you would be upset. And just so you know that. Not all of them, but some of them do. And the aggressive ones are really unacceptable. And it's hard for me to get excited about flying now because of that extra requirement I have most of the time. Thank you.

Mr. PISTOLE. Duly noted, Senator. Thank you.

The CHAIRMAN. Thank you, Senator.

Senator Pryor?

#### **STATEMENT OF HON. MARK PRYOR, U.S. SENATOR FROM ARKANSAS**

Senator PRYOR. You want to get down to the bottom of your list?

The CHAIRMAN. It's way down here, yes.

Senator PRYOR. OK. Thank you.

Mr. Pistole, thank you for being here today. And I would like to ask a few questions.

I saw you, what, a couple weeks ago in another committee, so these a little bit of follow-up, and a few gaps that I think we didn't cover last time.

But let me ask about the commercial aviation passenger fee, you know, we know what it is. We know it's going up, et cetera. But you guys, you know, do charge that to commercial air passengers. But you also do rail and sea travel. Is there a passenger fee for those things?

Mr. PISTOLE. Not that TSA charges. If it's a ferry, for example, or something that would go internationally, there would be a customs fee, perhaps, but I'd have to look into that. Then, as far as a rail security fee, no, not that I'm aware of.

Senator PRYOR. You know, and I do the rail every now and then from here in Union Station. Do you all check passengers routinely on——

Mr. PISTOLE. We work particularly with Amtrak police on that, through the VIPER teams, the Visible Intermodal Protection Response, in terms of random and unpredictable screening. And they would also work with Amtrak in terms of training canines and

funding on some issues. But, no, we don't have primary responsibility, if that's what you're asking. That's Amtrak police.

Senator PRYOR. OK. That's good. I may follow up on that with you on the side at some point.

You also in your testimony talked about some pilot programs, like the voluntary passenger pre-screening initiative, the known crew member program, and the expanded behavior detection programs. We actually talked about these a couple weeks ago.

Mr. PISTOLE. Right.

Senator PRYOR. And, what are your timelines on these programs? When will they be implemented? And how long is a pilot, in your mind?

Mr. PISTOLE. Let me take them in order if I could, Senator. So, the TSA Pre✓, which is currently at four airports, and we're expanding to the additional three—Las Vegas, LAX and Minneapolis-St. Paul—in December, January and February, is really a factor of how soon the airlines and the airports are ready, both from a technology and a physical checkpoint standpoint.

So my goal is to expand it as quickly and as efficiently, with as much security as possible. It really does come down to our partners that I mentioned, in terms of the airlines and the airports, to do that.

As far as the known crew member, with the pilots in charge of the aircraft, we are doing that at seven airports. We have a 90-day pilot, which goes into January, I believe, that, assuming it continues to go as successfully as it has, then the plan is to expand that nationwide as quickly as possible. Again, there's some IT dependencies there that both the Pilots Association and the Air Travel Association have done a great job on, because one of the keys is that taxpayers shouldn't be paying for that. And so, they have stepped up, those entities have stepped up and done that on their own in partnership with us.

When we do the honor flights, when World War II veterans come into Washington to visit the World War II Memorial. So, if you're on a charter flight, you go through identity-based screening. That's from any airport in the U.S. that would come here on a charter flight, recognizing them with the respect that I believe we should, as World War II veterans.

The 12 and under is nationwide, all 450 airports. And I'm missing one, I think, but, so the goal is to expand all the risk-based security initiatives as broadly and as quickly as possible with the best security.

Senator PRYOR. OK. And then you have different evaluation criteria for each one of those, to know how they're working and how they can be improved.

Mr. PISTOLE. And thank you for that follow-up, because the Assessor program is also part of that in Boston Logan and Detroit Metropolitan airport. And I don't know whether we'll be expanding that beyond those two, because I don't have enough data yet to make an informed judgment as to the return on investment for that.

Senator PRYOR. All right. Let me switch gears if I can. And that is, going back to 2003, the Congress directed the TSA to issue new repair station security rules. And there's been a long history—2003,

2004, 2007, 2008, now 2011—we still don't have the finalized rules. My understanding is the FAA just sent a proposed final rule for oversight of foreign aircraft repair stations, but it's not shown up in the Federal Register yet. Do you know anything about that, and could you update us on the progress?

Mr. PISTOLE. Yes. I know that on the foreign repair stations that we have, let's see, a total of 742 around the world, 452 in Europe. And we have not, so we have done, we call them "visits" of those 400 repair stations, thus far because we don't have the authority to actually do inspections, waiting on the approval of the final rule. So that has been, as you noted, a very long process.

Senator PRYOR. What's the process there? Why is it taking so long? Because, I mean, I'm not just blaming you for this. It goes back to 2003. So, I mean, this has been 8 years in the making.

Mr. PISTOLE. Yes.

Senator PRYOR. It's going to be a great rule.

Mr. PISTOLE. Right. And it clearly goes to aviation security and the interdependencies we have as part of the global supply chain; and passengers obviously; the foreign threats that we've seen have come from overseas thus far. I think it's been a factor of the ability of industry to actually put standards in place that were both practical and achievable, as opposed to setting an unachievable standard, and then working with FAA to say, "OK, do you recognize their repair station from a safety perspective?" And then for us, from a security perspective.

So we have those two standards which may or may not be completely consistent, as I understand. But it has taken too long. I mean, there's no excuse for that. And it is a critical component of both Congressional intent and administration intent for both administrations.

Senator PRYOR. Do you know when the final rule will be ready?

Mr. PISTOLE. I don't know, but I will check that and get back to you.

Senator PRYOR. Thank you.

Mr. PISTOLE. Yes.

Senator PRYOR. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Pryor.

Senator Rubio?

#### **STATEMENT OF HON. MARCO RUBIO, U.S. SENATOR FROM FLORIDA**

Senator RUBIO. Thank you.

Good afternoon. I know you've had a long afternoon and have answered a lot of questions. I'll be brief and to the point.

I would really like to focus on tourism a little bit. Obviously, being from Florida we have millions of international travelers. I was hoping you could briefly describe to me what we do. Do we work with tourism, local tourism folks in particular, in areas with a lot of international passengers to train them for special procedures in the handling of international passengers, how that might be different from maybe some domestic travelers that are more familiar with our procedures? I mean, do you find that to be a special challenge in places that have a lot of international travel? And do we do anything different with those agents?

Mr. PISTOLE. There's really two things that we've done, Senator, as relates to Florida. One is our TSA Pre✓ program with Miami International, obviously with American Airlines. And so expediting those that we know more about.

The other is, we've worked with a certain company that is huge in Orlando that has huge entertainment facilities and things like that—Disney obviously—to look at—

Senator RUBIO. And Universal.

Mr. PISTOLE. Yes. We've, that's why I was not naming names.

Senator RUBIO. To cover all our bases here, yes.

Mr. PISTOLE. That's right. In terms of customer service. So, it's not just international travelers, but customer service across the board. How do they do it? How do they also deal with, for example, suspicious behavior of somebody who's in queue, who's in line to enter a park or something?

So we've worked with them in a number of respects to say, how do you do that? How do you provide the best possible security, but in the most customer-friendly way, to make sure that somebody doesn't come into a theme park with something bad on them?

Senator RUBIO. And then, just in terms of logistics, in terms of how we lay out the security lines, you know, the process for screening, et cetera. Here's what I found, particularly in Orlando. I was in Orlando last week meeting with their airport people. Maybe not last week, the week before.

And one of the things about Orlando that's unique as opposed to, say, Miami, Atlanta, Dallas, is there's not a lot of connecting flights that connect through Orlando. Most of the people are coming in and they're leaving from there.

Mr. PISTOLE. Their destination.

Senator RUBIO. And so I think it adds a little bit more to the traffic that you see through TSA, as opposed to airports where people are connecting and some of the traffic's happening behind the security lines.

What do we do for airports like that, that are so, such a high percentage of arrivals and departures from that destination, in terms of how we lay out the security lines and the logistics of the process?

Mr. PISTOLE. Yes, and you've hit on a great point, Senator. Because the physical configuration of a checkpoint is obviously dependent upon the layout of the airport and what the airport is willing to let us use in terms of space. It's not government-owned space, and so we have to work with the airport authorities and the airlines to say, how can we best fit our security checkpoint in? And especially as we've expanded the use of the advanced imaging technology, which require a larger footprint than the walkthrough metal detectors? So it is a partnership there. And it really comes down to the old adage, "if you've seen one airport, you've seen one airport." Because each is unique. Each present their own challenges.

Senator RUBIO. And finally, I know you've been asked a lot about the TSA Pre✓. One of the airports is Miami, which I happen to travel out of a lot. Do you think I'd be a candidate for that?

Mr. PISTOLE. I think you'd be an excellent candidate, Senator.

[Laughter.]

Senator RUBIO. All right. I'll fly in.

Mr. PISTOLE. Thank you.

Senator RUBIO. Thank you for your time. I appreciate it.

The CHAIRMAN. Senator Thune?

**STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Mr. Chairman. And appreciate your holding the hearing today on this always important subject.

The CHAIRMAN. We timed it in order for you to be here.

[Laughter.]

Senator THUNE. And I appreciate that.

The CHAIRMAN. You're welcome.

Senator THUNE. Thank you.

Let me, if I might—I know you've talked a lot about probably most of these subjects already. But, in terms of the Pre✓ program, do you have any estimate of how much quicker you could process passengers through with that? I mean, how much are we talking about in terms of getting people through the security process?

Mr. PISTOLE. Yes. Thank you, Senator. There are actually two aspects. One, where there's a dedicated lane, which the four airports that we are currently using Pre✓ in, and three that we're expanding to here in the next 3 months, all have a dedicated lane. So that's one factor, that there's fewer people, obviously, in that dedicated lane than in a normal checkpoint queue. So that's one aspect. And that can be anywhere from a few minutes to 20 minutes or whatever it may be.

The other is the actual time going through security because you're not, as we say, divesting as much. You're not taking a light jacket off. You're not taking a belt and shoes off. Somebody could go through literally in a matter of a few seconds, assuming they don't alarm on the walkthrough metal detector and there's nothing in their carry-on bag that would alarm otherwise.

So if there are very few people in line, it could be the most expedited, efficient process, again, allowing us to focus on those that we assess as being higher risk.

Senator THUNE. When do you see this thing expanding, and how quickly will it move to other airports around the country? Might we see, start seeing this as something that's utilized in all the various—

Mr. PISTOLE. Clearly there's a greater application in the largest, the category X, the Cat-X airports, those 28. And then the next category, category one. The two, three and four are the smaller airports—may not see as much, for example, in 2012, or even in 2013 because they don't have space for a dedicated lane. They may just have a smaller checkpoint and things.

But what we are looking at is, how can we do that in some of the smaller airports that would make sense from a risk-based approach? And there are some other options that we would rather talk about in a classified setting in terms of some other security screening options that would also facilitate this. But again, I don't want to go into detail on that in an open hearing.

Senator THUNE. The assumption at some point is that the people, I mean, in terms of getting to an airport before their flight, this

would reduce significantly the amount of time that they would have to be there pre-flight to get cleared.

Mr. PISTOLE. That's true. Although, again, I'd try to manage expectations.

Senator THUNE. Right.

Mr. PISTOLE. There's no guarantee.

Senator THUNE. Right.

Mr. PISTOLE. So I wouldn't want somebody to say, "Well, I'm part of Global Entry, and so I'm guaranteed that expedited screening," because it's not a guarantee. It's a likelihood, perhaps even a high likelihood. But again, it's, so I wouldn't want somebody to cut it close and then go through regular screening that time just on a random, unpredictable basis.

Senator THUNE. OK. The Federal Flight Deck Officer program, which will allow certain crew members that are authorized by TSA to use firearms to defend against acts of criminal violence in situations where you may have individuals that are attempting to get control of an airport. I'm curious in knowing the degree that this program has been successful. And it's been appraised by several groups as having been highly successful, and yet we've not seen any expansion of that program I think since 2004. And so, could you kind of just comment on that generally? And knowing that we have a limited number of air marshals available, do you see that program as a cost-effective alternative?

Mr. PISTOLE. I don't necessarily see it as an alternative, but I am in strong support of a program in that it's another layer of defense that is only partially taxpayer-funded in terms of us, TSA does the training for the pilots, and the retraining and re-certification of them.

So yes, obviously, in those flights that we don't have Federal air marshals on, I think it is a good deterrent to a possible terrorist to think, "Well, even if there's not a Federal air marshal, and I don't know that, but even if I can get to the cockpit somehow, then there may be an armed pilot in there who is going to not allow me to do what I want to do." So, I'm a strong proponent of it.

Part of it is budget-driven, so how much do we have to fund the program in terms of training and resources? And then, how many people cycle in and out of it so it's not a stagnant group? But it is, I can say, thousands of pilots. And so, we see that as a great force multiplier for us.

Senator THUNE. OK. A final question with the Screening Partnership Program. My airport in Sioux Falls, for example, is using private security screeners. And I think you've probably all responded to some questions about this, and whether it's less expensive or more expensive.

I'm curious in knowing when you—we're in the transition now between contractors. Does TSA have certain requirements or standards that it sets with regard to these contractors as they switch from one private security firm to another?

Mr. PISTOLE. Yes.

Senator THUNE. And in, with respect even to the employees and the types of, you know, pay and benefits, those sorts of things, who sets that? Does TSA set that?



Mr. PISTOLE. Yes. TSA sets the security standards first. So obviously, any private contractor has to follow our standards, all of our protocols, and all of that. They also have to pay a similar wage to what a TSA worker would make. And what we have found in the 16 airports—in all but, I believe, one airport—that those contracts have been more expensive than they would be for a TSA workforce, for several reasons. We've driven those prices down over the years, and so it's closer. But it still does cost taxpayers more to have the privatized workforce.

We've seen about the same results in terms of customer satisfaction in the covert testing that is done at the SPP airports as we have the other airports also. So, it's similar.

So, what I'm looking for is, is there basically clear and compelling indicia or something to say, yes, there is a reason to change from a TSA-run airport? In the colloquy we had earlier, I described some of the philosophical aspects of that also.

Senator THUNE. OK. Thank you. I see my time's expired.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Mr. Pistole, just one more question from me.

The ticket fee amount is about 10 bucks round trip. That's been true since 2001. I'm for increasing that.

Mr. PISTOLE. Thank you, Mr. Chairman.

The CHAIRMAN. But that's not part of my question. You have discussed a number of factors in the briefing of all of this. There are a lot of things going on for you. There's a lot of changes. The technology we've talked about here, you have that large LASP thing, which is, has to do with general aviation and many, many other costs. Could you answer two questions for me?

Number one, to what degree do you consider, as the professional administrator of all of this, that you are protected in the budget situation because of the nature of your work financially? Not you personally, but your organization.

And second, if you are insufficiently protected and you have a number of programs going forward which you might tell me that you have the funds to continue to do for the moment, but maybe that doesn't last very long and it takes a long time for these things to shake down. What would be the cost to you potentially if we did not raise that ticket fee?

Mr. PISTOLE. Well, thank you, Mr. Chairman, for your support on that fee.

You know, Congressional intent, as I understand it, when you created TSA 10 years ago was to have that fee pay for at least some of the expenses, the cost of enhancing aviation security across the country. And the fact that it hasn't been raised since that time, you know, obviously the costs have gone up. I am looking for every possible efficiency within TSA and with our partners to say, are there things that we can do that do not cause taxpayers to pay more and yet provide the same requisite level of security?

That being said, I feel somewhat protected in the sense that I believe everybody recognizes that what the men and women of TSA do day in and day out is a critical security function that needs to be done. Whether everybody agrees with how we go about doing it is a different question. But the fact that something needs to be

done, and whether it's TSA or private companies that do it, that is a cost of doing business in the U.S. post-9/11. So, that's the simple fact.

Secretary Napolitano has been very strong in her support for not adversely impacting any security operation. So, her guidance and direction, and then working with OMB as to make sure to say that we will look at any cost-cutting from issues that, outside of the security arena. So, however we can do that.

So, for example in the last 6 months I've been doing a TSA headquarters efficiency review to find ways that we can work more efficiently, and yet still provide the same high-level security that the American traveling public expects. And that includes things such as merging some IT functions, some training functions, things that just are inherent within any large organization.

So, I've been working on that, put a hiring freeze on certain positions, capped other positions so people would not be promoted until we can get through this budget issue. And so, we're doing a number of things internally.

Now, that doesn't make a dent in the overall deficit problem that the Super Committee is dealing with. But they are things that I think get to the baseline goal that I have for TSA—to provide the most effective security in the most efficient way.

The CHAIRMAN. Well, I won't ask any more.

The last question goes to Senator Hutchinson.

Senator HUTCHISON. Mr. Pistole, I just wanted to give you a chance to talk about some of the privacy issues and what you're doing about it. I think Senator Boozman and Senator McCaskill certainly related personal experiences.

The general complaint that I hear is just about that machine, the AIT machine. And if there's any way that it could be shielded from other people watching while you're putting your hands in the air and that sort of thing. So, I just would like to—

Mr. PISTOLE. Yes.

Senator HUTCHISON.—follow up on that and see, what you are doing to minimize that privacy invasion to the extent that you can, while I know you're also addressing some of these other issues that, you know, a lot of people feel.

I do want to say, having said all of that, that I have been amazed at how wonderful the TSA agents with whom I have dealt have been.

Mr. PISTOLE. Thank you.

Senator HUTCHISON. And I had a situation once where I did have to have a pat-down. And you could tell they hated doing it, but they were doing their job. Which we all understand. And I just think they have been unfailingly polite in the instances that I've been with them. So, I want to say that.

But also, the concerns that are raised in other areas. You have the isolated incidents, and I just want to know what you're doing to find out about things like Senator Boozman's constituent.

Mr. PISTOLE. Well, thank you, Senator. And on behalf of the over 6,500 TSA employees in Texas and their family members, I'm sure they greatly appreciate your comments, and I will pass those on.

Senator HUTCHISON. In National Airport.

Mr. PISTOLE. In National, too.

Senator HUTCHISON. In National Airport.

Mr. PISTOLE. Terrific.

Senator HUTCHISON. They've done a great job, you know, with a lot of hardships from long lines and——

Mr. PISTOLE. Right.

Senator HUTCHISON.—heavy traffic, and all of that.

Mr. PISTOLE. And thank you. I appreciate that.

So, I am a strong proponent of the privacy aspects of what we do, and recognizing that we have the terrorist intent that we saw on Christmas Day, and then what we see in terms of how can we best go about doing that. So, we recently purchased 300 new advanced imaging technology machines. My specific direction was that all new purchases such as that will have the privacy filters built into them. We will not purchase any machines that do not have that automatic target recognition.

So, the goal is to move as quickly and as efficiently away from the old machines that do provide that grainy image of a person, an individual, and give that generic outline of a person. So, we have 245 or so that we're already equipped with, the new 300 machines that we purchase will have that.

We are waiting on the manufacturer of the other type of technology to finish their testing with us of their ATR capabilities. They haven't demonstrated that quite yet. And so as soon as that's done, all of those other about 240 machines will be converted also.

So, the goal is to have every one of those AIT machines in the country have that privacy filter.

Senator HUTCHISON. Well, thank you.

I also have a constituent who is on apparently some list because when she travels internationally—they go to Spain every summer, and then when they come back, and back and forth, this constituent is on some kind of watch list because she's been detained for hours. She is 11 years old.

Now, there's got to be something that triggers when a child is detained for, you know, some kind of similar name or something.

Mr. PISTOLE. Right.

Senator HUTCHINSON. And I hope so much that you can assure that something like that is not passing the common sense test.

Mr. PISTOLE. No. So, obviously there's some issue there. And so, if we can get, follow up with that, and we can look into that and try to get that addressed.

Senator HUTCHISON. Well, thank you. Thank you——

Mr. PISTOLE. Thank you, Senator.

Senator HUTCHINSON.—very much for your time. You've been very generous and stayed to the end.

Senator BOOZMAN. Mr. Chairman, can I just say something?

The CHAIRMAN. Sure.

Senator BOOZMAN. Again, I echo what, the comments that Senator Hutchison said. My experience with the TSA has been very, very positive. I think they work really hard. And, you know, people don't realize—I mean, we go through the same screenings as everybody else. They have no idea who we are or whatever.

I do think that it's important that we help you and give you the tools because, sadly, these episodes—like the 11-year-old, the epi-

sode that I was talking about—these are the kind of things that crop up, and then that becomes the public's view.

Mr. PISTOLE. Right.

Senator BOOZMAN. And so, again, I guess my message is, is that—I think all of ours on the Committee—is that we want to help you any way we can to sort through these things and make things as efficient as possible.

Mr. PISTOLE. I greatly appreciate it, Senator.

And thank you, Senator, also.

Look, the bottom line is, with 1.8 million people every day, over 12.5 million people every week, 50 million every month, over 625 to 630 million a year, we do have these, I'll call them one-off situations. The vast, vast majority of people go through effectively and efficiently. And so the goal is to try to even reduce those one-offs so we can provide the most effective security in the most efficient way.

Senator HUTCHISON. Thank you.

Mr. PISTOLE. Thank you, Senator.

The CHAIRMAN. I thank you also, in closing this hearing. And as I've told you privately and publicly, I think you're the perfect person for this job. I just like the fact that you're former FBI.

Mr. PISTOLE. Thank you, Senator, Chairman.

The CHAIRMAN. And I think that you're very serious about it; you're very straight with us about it; you talk our language; you don't obfuscate, and you don't make excuses. And I think it's a real pleasure to work with you. It makes me feel good about the future of TSA.

Mr. PISTOLE. Thank you, Mr. Chairman. I appreciate your support.

Senator HUTCHISON. And as well, I would say exactly ditto to that.

Mr. PISTOLE. Thank you, Senator, much appreciated. I'll pass it on to the hardworking men and women of the TSA. Thank you.

The CHAIRMAN. The hearing is adjourned.

[Whereupon, at 4:25 p.m., the hearing was adjourned.]

## A P P E N D I X

PREPARED STATEMENT OF HON. OLYMPIA J. SNOWE, U.S. SENATOR FROM MAINE

Welcome back to the Committee Mr. Pistole, you're quickly becoming one of this committee's "frequent fliers". As you know, the threats against our transportation systems are varied, and not strictly confined to passengers aboard aircraft. In recent months, threats against rail and transit systems and our cargo shipping industries have been discovered.

Indeed, I hope our conversation today will not be consumed just by aviation security, because as you know, TSA is also the agency given primary responsibility for surface and maritime security. In your appearance before the committee in May of this year, you rated the Transportation Worker Identification Credential, the ID document used to secure our ports, as a 3 out of 10 in terms of its success. I'd like to hear more about the work you have done to improve the program, and what steps TSA plans to take in easing the stresses the upcoming TWIC re-enrollment wave is sure to cause.

These other missions are a critical element of our overall security picture, but TSA's primary focus remains the protection of our aviation assets. The introduction of Advanced Imaging Technologies or AIT machines was a critical misstep in the agency's public relations mission, and many travelers still object to their use. More troubling though, is the recent ProPublica report using data from the Army Medical Command that indicates that while the radiation from Backscatter AIT machines is low, it could still cause cancer. It is critical that TSA regain the trust of the public by fully testing these machines, and removing them from use until their safety can be verified beyond doubt. TSA should immediately remove Backscatter Advanced Imaging Devices from use, and rely on Millimeter Wave Detection devices which we know do not increase radiation risks for travelers.

Mr. Pistole, TSA has stumbled too many times in recent years, and I think you would agree that public faith in the agency has suffered as a result. However, in the last few months, TSA has begun the implementation of trusted traveler programs and a special crew screening process. For these steps forward you should undoubtedly be commended. I appreciate your leadership, and your candid assessments of the Agency's successes and failures, but I would like to hear more about your plans for communicating with the traveling public as well as the industries that daily rely on your security credentials and assessments to transact business.

As you know from your previous appearances before this committee, aviation security is a sensitive subject for many Americans. Travelers want assurances that they are safe, but privacy and convenience are also top concerns. I applaud your efforts to address many of these issues through the use of Automated Target Recognition (ATR), but clearly, we have additional hurdles to overcome before we have achieved a long-term security solution that effectively safeguards passengers and cargo without unduly infringing on personal privacy and convenience.

Three of the Millimeter Wave Detection machines will be installed in Portland Jetport in January of next year, with another installed in Bangor International Airport. At a cost of \$144,000, these machines come at a significant expense. As you've stated in recent hearings before the Senate, TSA is still discovering between 5-6 weapons a day in routine screenings. I'd like to hear more from you about whether the AIT machines are the primary method of discovery of these weapons, or if the baggage X-rays and traditional metal detectors are the primary detection methods. I am also curious about the detection rates of newly implemented "chat downs" occurring at Boston's Logan Airport. TSA is tasked with screening more than 50 million passengers a month, and resources must be allocated in a responsible and equitable fashion.

Thank you Mr. Chairman for holding this hearing which fulfills one of our greatest responsibilities as a Committee, the careful oversight of agencies that serve the public.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN D. ROCKEFELLER IV TO  
HON. JOHN S. PISTOLE

*Question.* As you know, requiring biometrics to identify travelers have been called for in various legislation including the Homeland Security Act of 2002 and the Intelligence Reform and Terrorism Prevention Act of 2004. The TSA has begun pilot programs that expedite passengers (Pre✓) and pilots (CrewPASS and Known Crewmember) through security by having those individuals provide additional information to the agency. I know that TSA is planning to expand these programs, but will these expansions require biometric information to be submitted by the users? If not, when will this occur?

*Answer.* There are currently no plans for the Transportation Security Administration to incorporate biometrics into checkpoint screening.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BARBARA BOXER TO  
HON. JOHN S. PISTOLE

*Question 1.* I understand that the TSA Pre✓ program will be expanded to other airports in the coming years. Will all airports eventually be eligible for the Pre Check program? What is the timeline for expansion of the program?

*Answer.* The Transportation Security Administration (TSA) is currently applying criteria, including checkpoint throughput capacity and Global Entry participation, to identify other airports for the pilot. TSA is also working with the airlines to increase known travelers in order for them to participate in the pilot.

*Question 2.* As TSA expands the program, will TSA continue to enroll new participants through airlines frequent flier programs? How will TSA be determining what other potential passengers to include in the pre check program?

*Answer.* Throughout Calendar Year 2012, TSA will continue to work with additional airlines interested in participating in TSA Pre✓™ with their frequent flyer populations. TSA will continue to consider various intelligence and risk assessment factors when determining passengers eligible for the TSA Pre✓™ program.

*Question 3.* How will TSA leverage existing Federal resources, such as resources that support screening programs operated by Customs and Border Protection, to develop and expand TSA Pre✓ in the most cost effective, efficient and sustainable way possible?

*Answer.* As the Transportation Security Administration (TSA) expands TSA Pre✓™ to additional airports, one of the criteria for site selection is whether or not the airport participates in the U.S. Customs and Border Protection's (CBP) Global Entry program in order to promote the efficiency and effectiveness of the pilot. For individuals who are interested in becoming eligible for TSA Pre✓™, TSA encourages them to visit the CBP Global Entry application website.

*Question 4.* The Senate Homeland Security Appropriations bill includes \$10 million to help TSA develop a trusted traveler program. How will this funding help expand the program?

*Answer.* The Transportation Security Administration would use the \$10 million in the Fiscal Year 2012 Senate Bill to modify the existing Secure Flight workflow to expand the TSA Pre✓™ program within Risk-Based Security (RBS). Implementation within Secure Flight requires:

1. Making changes to the application workflow; and
2. Increasing capacity in the processing power (server cores), development environments, and network bandwidth.

The change in application software includes the acquisition of software for RBS rules creation and processing, the integration with the existing core Secure Flight processes, the use of additional population lists, and modification of the message response processing. Secure Flight also requires additional hardware to expand core processing and infrastructure to meet the performance needs.

*Question 5.* In the past, there have been difficulties communicating to the public the latest TSA screening procedures and this has resulted in anger and confusion at checkpoints. How will the TSA be informing the public about the latest changes?

*Answer.* The Transportation Security Administration (TSA) Office of Strategic Communications and Public Affairs (OPA) engages in a year-round effort to communicate to the traveling public about screening procedures, policies, and technologies in place at airports nationwide. During the busy holiday travel season, OPA accelerates those efforts and hosts dozens of press events at airports nationwide to penetrate local media markets and reach infrequent passengers who are traveling

recreationally around the winter holidays. This year, TSA has used this opportunity to communicate with travelers about the TSA Pre✓™ program. OPA also incorporates information about the latest screening procedures, including those being tested as part of our Risk-Based Security initiative, to passengers as part of holiday travel messaging.

Prior to the start of the TSA Pre✓™ program, OPA issued a national press release and posted web copy to its public website, *www.tsa.gov*. Regional spokespeople from across the country held large media events at each pilot location to communicate information about the pilot to a wide array of travelers. TSA also leverages these communication tools for other screening procedures, such as the modified procedures for passengers ages 12 and under, the enhanced behavior detection pilot program, and a known crewmember pilot program to expedite screening for pilots.

*Question 6.* Concerns have been raised about the potential health effects from the new whole body imaging scanners purchased by the TSA, particularly the backscatter imaging machines. These concerns have led to the European Commission recently adopting new rules, banning the backscatter imaging machines at all airports in Europe. What progress has TSA made in ensuring that these devices are safe, and have no long term health effects? Passengers are concerned about new whole body imaging technologies that they feel could violate their privacy. TSA has developed Automated Target Recognition (ATR) software that can increase the privacy of travelers that go through these machines, but right now this software is not compatible with the older backscatter machines. Will TSA develop ATR software that will be compatible with the backscatter X-ray machines?

*Answer.* The Transportation Security Administration (TSA) does not have concerns regarding the use of backscatter technology. Since the original deployment of Advanced Imaging Technology (AIT), TSA has utilized Inter-Agency Agreements with the National Institute of Standard and Technology (NIST) and the U.S. Food and Drug Administration (FDA) to further validate the third party radiation studies that all vendors must submit prior to testing. The systems emitting ionizing radiation, such as those using backscatter X-ray, are tested at NIST and systems emitting non-ionizing radiation, such as those using millimeter wave, are tested by the FDA. These additional tests have been added to our testing process, which all systems must pass in order to be placed on our Qualified Products List. The AIT systems are tested by NIST or FDA for a minimum of 45 days before they are taken to the airport for the initial operational test and again before any major configuration changes are fielded.

In addition, the TSA Office of Occupational Safety, Health, and Environment is working with Certified Health Physicists from the U.S. Army Public Health Command to perform radiation safety surveys of the deployed general-use backscatter X-ray AITs. The systems are checked against administrative and radiation dose requirements of the American National Standards Institute/Health Physics Society (ANSI/HPS) Standard N43.17-2009, "Radiation Safety for Personnel Security Screening Systems Using X-ray or Gamma Radiation." All systems surveys to date have been found to be well below the radiation dose limits of the ANSI/HPS N43.17-2009 standard. In addition, the U.S. Army Health Physicists performed a radiation dosimetry study to determine the effective dose to individuals undergoing screening. The analysis of the data to date shows that the effective dose per screening is well below the maximum permitted for a general-use system under the ANSI/HPS standard (maximum measured dose of 0.045 microsieverts (or 4.5 microrem) which is well below the limit of 0.25 microsieverts (or 25 microrem)). Assuming a person received the maximum dose measured; a person could receive over 5,000 screenings every year without exceeding the annual radiation dose limit specified in ANSI/HPS N43.17-2009 (which is 25 mrem per year or one-quarter of the recommended public dose limit of 100 mrem per year). This would require an average of 15 screenings every day of the year.

Several groups of recognized experts have been assembled and have analyzed the radiation safety issues associated with this technology. These experts have published recommendations, commentaries, technical reports, and an American national radiation safety standard as a result of their analyses. This technology has been available for nearly two decades, and we have based our evaluation on scientific evidence and on the recommendations of recognized experts. Public meetings were held to discuss these products with FDA's advisory panel (TEPRSSC), and the American national radiation safety standard was available for public comment both before its initial publication and before its recently published revision. There are numerous publications regarding the biological effects of radiation and the appropriate protection limits for the general public that apply to these products. As a result of these evidence-based, responsible actions, we are confident that full-body X-ray security products and practices do not pose a significant risk to the public health.

Strict privacy safeguards are built into the foundation of TSA's use of advanced imaging technology to protect passenger privacy and ensure anonymity, and TSA always looks for new technology that meets our security standards while enhancing existing privacy protections. TSA recently installed new software on all millimeter wave imaging technology machines referred to as Automated Target Recognition (ATR)—upgrades designed to enhance privacy by eliminating passenger-specific images and instead auto-detecting potential threats and indicating their location on a generic outline of a person. Areas identified as containing potential threats will require additional screening. The generic is identical for all passengers. If no potential threat items are detected, an "OK" appears on the monitor and the passenger is cleared.

By eliminating the image of an actual passenger and replacing it with a generic outline of a person, passengers are able to view the same outline that the TSA officer sees. Further, a separate TSA officer is no longer required to view the image in a remotely located viewing room. By removing this step of the process, screening is more efficient and throughput capability of the technology is improved.

For units that do not yet have the new software, TSA has taken all efforts to ensure passenger privacy. To that end, the officer who assists the passenger never sees the image the technology produces and the officer who views the image is remotely located in a secure resolution room and never sees the passenger. The two officers communicate via wireless headset. Advanced imaging technology cannot store, print, transmit or save the image, and the image is automatically deleted from the system after it is cleared by the remotely located security officer. Officers evaluating images are not permitted to take cameras, cell phones or photo-enabled devices into the resolution room. To further protect passenger privacy, backscatter technology has a privacy filters that blur images. Once Automated Target Recognition (ATR) software has been tested and approved for backscatter X-ray AITs, TSA will upgrade the currently deployed units with ATR.

*Question 7.* The incident last month, where airport ramp crew at LAX found a loaded handgun after it fell out of luggage is very concerning. It is illegal to check baggage with a gun in it without following the appropriate procedures. TSA staff has stated that the agency only screens for explosives in baggage, and it does not screen for guns. Can you explain how the law against improperly checking a gun is supposed to be enforced without TSA screening for these weapons? If TSA does not consider this to be an agency responsibility, who is responsible?

*Answer.* Passengers checking luggage that contains a firearm are required to declare the firearm with the airline and must ensure that the firearm is unloaded and properly packaged. In the course of screening, if a Transportation Security Officer (TSO) has to open a bag in order to resolve an alarm, he or she will seek to confirm that the weapons have been declared and that they have been packed correctly. If a TSO discovers that any of these requirements are not met, the TSO will notify a law enforcement officer and an airline representative, and the local TSA Transportation Security Inspector office will initiate the appropriate civil enforcement action against the passenger. TSA may assess civil penalties against passengers who fail to declare, unload, or properly package firearms in checked baggage.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY THE HON. MARIA CANTWELL TO  
HON. JOHN S. PISTOLE

*Question 1.* How does the geographic coverage of the Seattle High Threat Urban Area currently align with the significant population centers within the Puget Sound region? How would its expansion to other nearby urban areas, such as Tacoma, Washington, impact the safety and security of freight rail and shipping operations?

*Answer.* In 2008, the Transportation Security Administration (TSA) identified 46 High Threat Urban Areas (HTUA) with the publication of rail security transportation regulations (49 C.F.R. Part 1580). The geographic coverage of these HTUAs is generally defined as an area encompassing the core city and a ten-mile radius from the city border. This definition is consistent with the descriptions of eligible metropolitan areas identified in the Fiscal Year 2006 Urban Area Security Initiative (UASI) grant program. While the geographic coverage of the metropolitan areas identified in the UASI program have since expanded in scope, TSA has elected to maintain the boundaries as defined in the rail security regulations. The expansion of the size of the Seattle HTUA to encompass all or portions of the City of Tacoma would not have a material impact on rail security. A review of the rail security-sensitive material (RSSM) shipments subject to the provisions of the transfer of custody requirement shows that only six shipments in the last 12 months were delivered by rail in the Tacoma area and none originated in this area. As TSA's rail security reg-



ulations are focused on the security of RSSM shipments when transferred from the original shipper to a railroad carrier, transferred from one railroad carrier to another, and when delivered to a final destination within an HTUA, the limited number of occurrences of these transfers in either the Tacoma or Spokane areas does not warrant an expansion at this time of the scope of the defined HTUAs.

*Question 2.* Despite a significant population and heavy freight rail traffic, the Transportation Security Administration (TSA) does not consider Spokane, Washington, a High Threat Urban Area. What was TSA's reasoning for excluding Spokane from this designation? How would a new High Threat Urban Area in this region impact the safety and security of freight rail and shipping operations?

Answer. The Transportation Security Administration (TSA) has used the list of areas eligible for the Urban Area Security Initiative (UASI) as the basis for its list of freight rail High Threat Urban Areas (HTUA). Seattle is the only city in the State of Washington that has been consistently eligible under the UASI grant program.

A review of the rail security-sensitive shipments moving through the Spokane metropolitan area showed that no such shipments were delivered to, transferred within, or originated from Spokane within the past 12 months. As TSA's rail security regulations focus on the security of shipments when they are transferred from the original shipper to a railroad carrier, transferred from one railroad carrier to another, or delivered to their final destination, the limited number of occurrences of these transfers in the Spokane area does not currently appear to warrant an expansion of the scope of the defined HTUAs.

*Question 3.* The Transportation Systems Sector-Specific Plan annex to the National Infrastructure Protection Plan, released in 2011 by your agency, states: "Certain materials not currently classified as RSSM [rail security-sensitive materials] may have the potential to be used as weapons of mass consequence during transportation. A need exists to specifically assess the potential for these materials to be exploited in the physical state in which they are commonly transported." To that end: Has such an assessment been performed for sulfuric acid and liquid petroleum gas and, if not, are those materials slated for consideration in the future? If so, what was the result of TSA's assessment? In general, what are the costs and benefits of adding new materials to the current list of Rail Security-Sensitive Materials (RSSM) in terms of efficiency of freight movement and the safety and security of freight rail and shipping operations?

Answer. The Transportation Security Administration (TSA) has assessed the properties of sulfuric acid and Liquefied Petroleum Gas (LPG) and the potential security risks they pose in bulk rail transportation. A release of sulfuric acid is not considered to be a significant security threat to widespread populations as airborne toxic material. Sulfuric acid does not meet the criteria of a material that is poisonous by inhalation as defined in the hazardous materials regulations. Sulfuric acid, while it is a very corrosive material, has a very low vapor pressure that does not present hazard to the general population upon release; a release of a rail tank car quantity of sulfuric acid would result in a pool that presents a local contact hazard, due to the corrosive nature of liquid sulfuric acid with the skin and eyes. While some aerosolization of sulfuric acid may occur during its release, depending upon the method of rupture, it is expected that the droplets would settle to the ground in a localized area near the release site.

TSA has also assessed the properties of LPG and the potential security risk it poses. While LPG is a flammable gas and does have the potential to explosively combust in certain circumstances, the security risk in rail transportation is relatively low when compared to liquefied compressed gases that are toxic. Studies by the Federal Bureau of Investigation and other agencies revealed that it would be difficult to weaponize containers of LPG due to the chemical and physical characteristics of the material. Other factors also influence the assessment of security sensitivity including the method of transportation and the methods that could be employed to weaponize the material.

Whereas highway shipments of LPG may be driven to close proximity of the intended target, rail shipments of LPG are confined to a fixed pathway. For this reason, TSA and the Department of Transportation have identified LPG and other similar compressed flammable gases as security-sensitive materials when they are transported in bulk by highway, but not when shipped by rail.

TSA is cognizant of the costs associated with the special provisions that rail shippers, carriers, and receivers must bear if they ship, transport, or receive materials regulated as security-sensitive. Before proposing adding any additional materials to this list, TSA would need to conduct further analysis to develop estimates of the security benefits.

*Question 4.* At the hearing, we discussed the investigative report that included videotape of several trains carrying materials including sulfuric acid and liquid petroleum gas at different locations across Washington State that had their engines idling and were apparently left unattended. Regardless that the specific materials do not fall under TSA's jurisdiction, it does raise questions about lax security protocols that can create opportunities for those who want to do harm using materials that do fall under TSA's jurisdiction.

Mr. Pistole, how can TSA's surface transportation inspectors provide better oversight to avoid these types of security lapses?

Answer. As noted, incidents such as the one in this scenario are not specifically prohibited by Federal regulations. TSA does have regulations (49 CFR 1580.107) in place that require railroads to have an employee present when certain hazardous material shipments are first offered for transportation, are interchanged with other railroads in identified high threat urban areas, and are at the point of delivery in identified high threat urban areas. In addition, there are Federal safety regulations that require certain practices for idling locomotives and trains with no crew on-board. Those safety regulations are intended to ensure that a train will not unintentionally move. If the required safety procedures are followed, a number of relatively complicated steps would be required to put the train in motion. TSA has examined the security risk associated with idling, unattended trains and determined that such a scenario is relatively low risk from a security perspective. TSA will continue to monitor and evaluate the security risks to freight railroad operations, including the practice of idling, unattended locomotives to determine any future actions that may be necessary.

TSA works with the rail carriers to educate their employees and to find ways to reduce the vulnerability of security sensitive material, including identifying alternative processes or procedural changes that can reduce vulnerabilities. TSA conducts rail corridor assessments in urban areas to identify potentially vulnerable rail operations, such as points where trains are temporarily left unattended while they await a new train crew. In many cases, a minor change in the location or timing of a crew change can greatly reduce the risk exposure of a train or critical material. TSA will continue to work with the rail industry and its government partners to identify and minimize the potential risks in freight rail transportation.

*Question 5.* What steps will TSA take to ensure that these practices are not widespread across the freight rail transportation system for cargo that does fall under your jurisdiction?

Answer. While TSA has jurisdiction related to security for all freight rail transportation, regardless of cargo, current regulations focus on high risk concerns. For example, for Toxic Inhalation Hazardous (TIH) and other rail security-sensitive materials, TSA has promulgated regulations (49 C.F.R. § 1580.107) that require the secure transfer of custody and attendance of these shipments when they are originally picked up by the railroad, when they are delivered to a customer in a High Threat Urban Area (HTUA), when they are transferred to another railroad in a HTUA, or when they are transferred to another railroad outside an HTUA when it is known that the rail car will go through a HTUA before reaching its final destination.

*Question 6.* There have been media reports that the TSA has not been as careful as it needed to be in evaluating the health implications associated with the use of Advanced Imaging Technology (AIT) for passenger screening at airports. Later this month ProPublica and PBS are releasing the results of a joint investigation soon that suggests significant risks were ignored. What steps did the TSA take to evaluate the potential health risks associated with AIT machines before deploying them? My understanding is that airport AIT machines are not considered medical devices. As a result, they are not subject to the regulations required for diagnostic medical imaging equipment. Did the producers of AIT machines have to submit clinical data to the FDA showing the device's safety? Was independent safety tests performed on the AIT machines? Are you taking any other measures to ensure the safety of the AIT machines once deployed in the field?

Answer. The Transportation Security Administration (TSA) properly tested and evaluated Advanced Imaging Technology (AIT) for detection, operational, and safety suitability. Millimeter wave technology screening is safe for all passengers, and the technology meets all known national and international health and safety standards. Furthermore, the energy emitted by millimeter wave technology is thousands of times less than the limits in the Institute of Electrical and Electronics Engineers (IEEE) C95.1 IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz and guidelines from the International Commission on Non-ionizing Radiation Protection.

General-use backscatter technology was evaluated by the Food and Drug Administration's Center for Devices and Radiological Health, the National Institute of Standards and Technology, and the Johns Hopkins University Applied Physics Laboratory. All results confirmed that the radiation doses for the individuals being screened, operators, and bystanders were well below the dose limits specified by the American National Standards Institute/Health Physics Society.

TSA's current safety protocols require all equipment manufacturers to comply with nationally-recognized safety standards to ensure the safety of both passengers and operators. Each general-use backscatter X-ray AIT unit undergoes a system inspection and radiation survey before it leaves the manufacturing facility. The manufacturer must perform a radiation survey on each unit once it is installed in the airport. Additional radiation surveys are performed once every 12 months; whenever a unit is moved; after any maintenance action that affects radiation shielding, shutter mechanism, or X-ray production components; and after any incident that may have damaged the system.

TSA partnered with Certified Health Physicists at the U.S. Army Public Health Command (Provisional) to conduct independent radiation surveys and inspections to confirm the regular testing performed by the equipment manufacturer.

*Question 7.* I understand you have been working with Secretary Napolitano to improve security partnerships with foreign allies since the Christmas Day and Yemeni based bomb plots. I have a strong appreciation for these efforts—SeaTac Airport is a major international gateway, and an incident there would have a chilling effect on commerce in my state. Within the confines of this public forum, could you give me a better idea of the efforts you are pursuing with foreign governments and international organizations, such as the International Civil Aviation Organization (ICAO), to strengthen international aviation security? What are the major obstacles you are encountering with foreign governments and international organizations? Has the TSA given appropriate consideration to tightening the standards they use to certify security at foreign airports or increasing its oversight of security compliance at foreign airports?

*Answer.* Within the Department of Homeland Security (DHS) the Transportation Security Administration (TSA) works with the International Civil Aviation Organization (ICAO) and appropriate civil aviation authorities of foreign governments to address aviation security concerns on passenger and cargo flights. TSA supports ICAO's Aviation Security Branch and the U.S. Ambassador to ICAO through membership and leadership on working groups and ad hoc study groups on aviation and supply chain security. TSA's Office of Global Strategies leads the United States delegation on the ICAO Aviation Security Panel of Experts, which is the body that advises the ICAO Council on strengthening international aviation security standards and best practices. TSA supports ICAO through capacity development efforts to help ensure that states are trained to address security vulnerabilities identified through ICAO's Universal Security Audit Program (USAP) and sustain an acceptable baseline level of security. Through active participation in the ICAO, bilateral engagement and with capacity development, TSA supports ICAO and its Contracting States by helping implement the objectives of ICAO's Aviation Security Declaration. TSA also works bilaterally with individual states to improve compliance with ICAO *Annex 17—Security* Standards and Recommended Practices (SARPs) which are the global baseline standards for aviation security.

TSA responds quickly to new and emerging threats by reviewing and instituting new security measures and policies. There are some challenges with ensuring that the international aviation security environment keeps current with evolving security demands. TSA works closely and diligently with the international community in order to successfully address emerging threats through information sharing with ICAO's Aviation Security Point of Contact Network, participation on several key working groups, and in ICAO Regional Conferences. The ICAO working groups include the Threat and Risk Working Group, the Secretariat Study Group on Unruly Passengers, Working Group on Air Cargo Security, and, working groups to update SARPs to address emerging threats. These threats include cargo, supply chain security, mitigating the insider threat (staff screening), updating international aviation security training manuals, updating the Man-Portable Air Defense System tool kit for use by States, updating ICAO's USAP, and furthering capacity development amongst Member States.

In accordance with the requirements of 49 U.S.C. § 44907, TSA evaluates the implementation of civil aviation security Standards Recommended Practices set forth in Annex 17 and Annex 14 to the Convention on International Civil Aviation. ICAO Contracting States are obligated to comply with these Standards. TSA is an active member of the aviation security panel that develops and proposes revisions to ICAO security SARPs. TSA also continuously reviews the specific parameters of its airport

assessment criteria to ensure that the areas of focus, data collected, and analyses conducted accurately and factually capture the security posture at each foreign airport with direct flights to the United States. Moreover, TSA has developed a robust risk-based scheduling methodology to ensure that those airports that pose the highest risk to international civil aviation are visited more frequently in order to verify that mitigation measures are being effectively implemented and sustained.

*Question 8.* The first phase to get TWIC cards in the hands of all those who need them to work at ports have been completed. The second phase, the card reader to authenticate that the person holding the TWIC card is who they say they are, is still a pilot project. I recognize that you inherited the Transportation Worker Identification Credential or TWIC program from your predecessors. What is the status of the TWIC card reader pilots? What is the Department's back-up plan if the TWIC card reader pilots are not successful?

*Answer.* The Transportation Worker Identification Credential (TWIC) Reader Pilot concluded on May 31, 2011. A draft of the TWIC Reader Pilot final report is currently under review. Once the report is approved, the Secretary will forward it to Congress as required in section 104 of the Safety and Accountability For Every Port (SAFE Port) Act. The TWIC Reader Pilot was designed to test the business processes, technology, and operational impacts required to deploy transportation security card readers at secure areas of the marine transportation system. TSA's goals for the TWIC Reader Pilot included determining the technical and operational impacts of implementing a transportation security card reader system; determining any actions that may be necessary to ensure that all vessels and facilities to which this section applies are able to comply with such regulations; and performing an analysis of the viability of equipment under the extreme weather conditions of the marine environment. The Transportation Security Administration determined that it had successfully met those goals and concluded the TWIC Reader Pilot on May 31, 2011; therefore, a back-up plan is not necessary. The results of the pilot program will help inform the Coast Guard's reader rulemaking effort and comply with the requirements of the SAFE Port Act.

*Question 9.* The "Implementing Recommendations of the 9/11 Commission Act of 2007" required that the TSA Administrator begin implementation of a system to provide expedited access to sterile areas for flight crews. Right now my understanding is that there are two efforts underway to achieve this—the Known Crewmember and CrewPASS programs. What is the status of these pilot programs?

*Answer.* The Known Crewmember pilot program is a joint initiative between the airline industry and the Transportation Security Administration (TSA). This program allows uniformed pilots from 22 airlines to show two forms of identification that are checked against a database called the "Cockpit Access Security System," which confirms that the pilot is recognized for access. As of early November 2011, 10 weeks into the pilot, more than 100,000 pilots have been cleared through the process, with an average of over 2,500 approvals per day.

A similar system, the Crew Personnel Advanced Screening System, was approved by TSA in 2009. It is currently in operation at airports in Pittsburgh, Pennsylvania; Columbia, South Carolina; and Baltimore, Maryland.

*Question 10.* My understanding is that the White House Office of Management and Budget is reviewing TSA's proposed rules resulting from its Supplemental Notice of Proposed Rulemaking on the Large Aircraft Security Program? Is this the case? If so, what is the timeline and process from here? According to press accounts, Douglas Hofsass, one of TSA's deputy assistant administrators said "the new version will focus on securing the aircraft, knowing who the passengers are, vetting the pilots and allowing an appropriate weight that allows the operators the flexibility to run their businesses and gives the TSA some security assurances, particularly based on what weight of aircraft poses a threat." Could you please elaborate on that statement for the Committee?

*Answer.* The Supplemental Notice of Proposed Rulemaking (SNPRM) is currently under administrative review by the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA). At this time, TSA estimates the SNPRM to be released for public comment in 2012.

After considering comments on the Notice of Proposed Rule Making (NPRM) issued in 2008 and meeting with stakeholders, TSA decided to revise the proposals in the NPRM. TSA is considering alternatives to several proposals based on its review of the comments received.

*Question 11.* The Federal Flight Deck Officer (FFDO) has been recognized as an extremely successful component of the layered aviation security system in the U.S. While the program includes many thousands of armed pilots, it is managed by a very small number of people and was negatively impacted by insufficient budget in

the past year. Do you have a plan to make sure training is available to new applicants to the FFDO program? What about recurrent training for existing FFDOs?

Answer. In Fiscal Year 2012, the Transportation Security Administration (TSA) Office of Law Enforcement plans to offer training to an estimated 250 new Federal Flight Deck Officers (FFDOs) as well as provide recurrent training to thousands of pilots.

*Question 12.* Currently, commercial aviation passenger pay a \$2.50 security fee per segment flown, limited to \$5 per one-way flight. The fee was established after the 9/11 terrorist attacks to help fund the cost of increased aviation security. The President has proposed to effectively double the fee now and triple it to \$15 by 2017. What percentage of aviation security costs are covered by the current fees?

Answer. In Fiscal Year 2011, approximately 25 percent of aviation security costs were covered through collections from the Transportation Security Administration (TSA) September 11th Security Fee (9/11 Fee) and another 5 percent of aviation security costs were covered through collections from the TSA Aviation Security Infrastructure Fee (Air Carrier Fee).

*Question 13.* What percentage of aviation security costs would be covered under the President's plan?

Answer. Under the President's proposal to the Joint Select Committee on Deficit Reduction, the way in which the fee is collected is changed, moving from a "per enplanement" to a "per one-way trip" structure. As such, passengers would only be charged once per one-way trip, as opposed to the current structure in which passengers can be charged up to twice per one-way trip. This results in a maximum fee of \$7.50 in 2017, a fee increase of \$5.00 for those currently paying \$2.50 for a non-stop flight, and an increase of \$2.50 for those currently paying \$5.00 for multiple enplanements (*i.e.*, connecting flights) during a one-way trip. It has been estimated that TSA aviation security fees would recover approximately 75 percent of aviation security costs over ten years, some of which would be returned to the General Fund as mandatory savings, and the rest of which would be applied as offsetting collections to TSA's appropriations.

Airlines have raised concerns that they will not be able to pass these fees through to consumers and will have to absorb the additional cost. The result may be that they choose to further reduce capacity.

*Question 14.* What do you say to the airlines' concerns?

Answer. The President's proposal is to adjust the 9/11 Fee, which is paid directly by consumers (passengers) at the time of ticket purchase. The proposal would help to optimize a funding strategy that balances the cost burden.

*Question 15.* Do you believe that since most airlines began charging passengers for checking bags, more passengers are carrying their bags on board, which in turn, is slowing down the work of the Transportation Security Officers?

Answer. Passengers are seeking to avoid checked baggage fees by carrying baggage through the checkpoint. This increase in the number of carry-on items per passenger, the number of X-ray images processed, and the complexity and density of the images have resulted in longer image review times. The increase in passenger carry-on items has impacted checkpoint throughput.

*Question 16.* Can you explain how the requirements set out by the TSA's Small and Disadvantaged Business Office are realized through the agency's various funding mechanisms, including procurement contracts, grants, cooperative agreements, and other transaction authority? Do the Small and Disadvantaged Business Office's goals and requirements apply to grant funds and transactions that are entered into with airports through TSA's "Other Transaction Authority"?

Answer. The small business goals of the Transportation Security Administration (TSA) Small and Disadvantaged Business Office do not apply to Other Transaction Authority (OTAs) because the agreements are typically with governmental authorities as opposed to private companies or universities. Nevertheless, TSA ensures that airport authorities follow their local procurement rules regarding preferences for small businesses in the subcontracts awarded under TSA's OTAs. TSA also requires airport authorities to submit a semi-annual small business utilization report on their OTA funding. The report includes contracts awarded to small business, service disabled veteran, veteran, woman, and HubZone businesses.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO  
HON. JOHN S. PISTOLE

*Question 1.* Administrator, as you may know, I serve as Co-Chair of the bipartisan Senate Tourism Caucus and also as Chair of the Commerce Subcommittee on Inno-

vation, Competitiveness and Export Promotion which has jurisdiction over tourism. I am focused on making America more competitive in the global travel market and recently introduced the International Tourism Facilitation Act to address the problem of delays in the processing of tourist visas. I've been working closely with the State Department to find ways for them to expedite visa processing while maintaining a priority on national security interests. I understand the TSA is not involved with processing visas for international visitors; however, the TSA plays an important role in screening foreign travelers. Since maintaining security is a chief priority of mine, do you have any recommendations or thoughts regarding how best to ensure full security alongside expedited processing of foreign tourists?

Answer. Foreign passengers traveling on domestic air carriers and international air carriers, both inbound and outbound from the United States, are vetted under the Transportation Security Administration's (TSA) Secure Flight system. Responsibilities for processing visa applications lie primarily with the Department of State (DOS); therefore, TSA defers to DOS.

*Question 2.* Administrator, in the past I've heard concerns from airline pilots over delays they face during passenger screening. I'm glad to learn that TSA is working closely with the airline industry to develop the "Known Crewmember" program to expedite security for trusted pilots. Can you discuss the "Known Crewmember" program and the success you've had in gaining participants over the past few months?

Answer. The Known Crewmember pilot program is a joint initiative between the airline industry and the Transportation Security Administration (TSA). The current program allows uniformed pilots from 22 airlines to show two forms of identification that are checked against a database called the "Cockpit Access Security System," which confirms the pilot's access. As of early November 2011, 10 weeks into the pilot program, more than 100,000 pilots have been cleared through the process, with an average of over 2,500 approvals per day.

*Question 3.* Is the program currently open only to pilots, and if so, do you plan to expand the program to incorporate flight attendants and other crewmembers?

Answer. The Transportation Security Administration (TSA) prioritized applying the Known Crewmember concept to pilots since they are in control of an aircraft. The seven airports piloting Known Crewmember will complete their activities in late January 2012. At that time, TSA will have data to assess the effectiveness of the concept and will determine whether it should be expanded to other crewmembers.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TOM UDALL TO  
HON. JOHN S. PISTOLE

*Question.* The Federal Flight Deck Officer (FFDO) program is arguably the most efficient, cost effective layer of security in our air transportation infrastructure, yet the budget has not increased since the program's inception. FFDOs currently receive their initial training at the Federal Law Enforcement Training Center (FLETC) in Artesia, NM. Due to budget restrictions, the TSA Office of Law Enforcement/Federal Air Marshal Service (TSA OLE/FAMS) has proposed pulling all FFDO training out of Artesia which could require building more facilities and hiring new instructors in other locations. FLETC Artesia has experienced instructors and outstanding facilities already in place, which includes a static aircraft for critical scenario-based training. Also, the room and board arrangements make it extremely cost effective for FFDOs, who are required to pay for all of their travel and meal expenses. With that in mind, please respond to the following questions: In today's tight budgetary environment, why isn't more money being directed to the FFDO program? The intent of Congress was to train as many pilot volunteers as possible, yet the majority of the FFDO budget now goes to keeping the FFDO force current and qualified. What are your plans for increasing the size of the FFDO program? My office has learned that the TSA Office of Law Enforcement/Federal Air Marshal Service has proposed moving the FFDO program out of Artesia, New Mexico. FLETC Artesia is a world class facility that has dedicated, experienced instructors using unique tools that include an actual aircraft for training scenarios. These training tools and facilities cannot be easily found or created. Given a limited budget, how can the expense of moving facilities be justified? How would the loss of facilities and instructor experience available in Artesia impact the quality of the training FFDOs receive? Artesia offers a very economical experience for our FFDOs who volunteer at their own expense to participate in a program that is critical to our aviation security. Rather than increase those expenses by moving facilities, has the TSA considered giving FFDOs more options in traveling to Artesia, such as re-opening the option to travel to and from El Paso, TX?

Answer. There are no plans to move initial training for new Federal Flight Deck Officers (FFDOs) from FLETC Artesia, New Mexico to another location. FFDO Recurrent Training will continue at the Atlantic City, New Jersey and Dallas, Texas Training Facilities.

The President's Budget Request for Fiscal Year (FY) 2012 request provided the resources necessary to sustain the FFDO Program at the current services level.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. OLYMPIA J. SNOWE TO  
HON. JOHN S. PISTOLE

*Question 1.* Mr. Pistole, I am very concerned by the recent ProPublica report that indicates Backscatter Advanced Imaging Technology (AIT) machines may increase the risk of cancer for some travelers. While the data is not yet conclusive, it seems that a number of scientists have pointed to the potential increase in cancer rates because of this unnecessary radiation.

As you know, Millimeter Wave Detection machines, like those that will soon be installed in Maine do not use radiation to detect foreign objects. These devices can also be outfitted with Automated Target Recognition software which masks images of passengers, and increases privacy protections for travelers. It is my understanding that all new devices purchased will use Millimeter Wave Detection technology. It is clear that TSA has remaining concerns regarding the Backscatter devices. With doubts about the health and safety of Backscatter technology, why has TSA not removed all of these devices from service until their safety can be proven beyond a doubt?

Answer. The Transportation Security Administration (TSA) does not have concerns regarding the use of Backscatter technology. As a point of comparison, one scan using backscatter technology produces the same exposure as two minutes of flying on an airplane. General-use backscatter technology was evaluated by the Food and Drug Administration's (FDA) Center for Devices and Radiological Health (CDRH), the National Institute of Standards and Technology (NIST), and the Johns Hopkins University Applied Physics Laboratory. All results confirmed that the radiation doses for the individuals being screened, operators, and bystanders were well below the dose limits specified by the American National Standards Institute/Health Physics Society. The Center for Study of Responsive Law asked the FDA to comment on TSA's statement that the general-use backscatter x-ray technology is safe for all air travelers and on whether the FDA believes that a more prudent approach for public health would be to convene an independent panel of experts to study the potential health impacts posed by these X-ray scanners. In their response, FDA states the following: "Public health is protected when general-use x-ray security systems that comply with the applicable national radiation safety standard are used in accordance with the requirements of use in that standard. Using a general-use system as just described will result in effective doses to individuals below the annual dose limits recommended by the National Council of Radiation Protection and Measurements (NCRP) for the general public. In fact the dose limit per screening is far below the negligible individual dose set by NCRP." The following is a link to FDA's full response titled: "*CDRH response to Center for Study of Responsive Law inquiry on people screening, November 5, 2010*"—<http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/SecuritySystems/ucm238024.htm>.

Once Automated Target Recognition (ATR) software has been tested and approved for backscatter AITs, TSA will upgrade the currently deployed units with ATR.

*Question 2.* Were these AIT devices rushed into service at the expense of the safety of the traveling public? It has already been established that TSA's public relations campaign was a dismal failure. Should the whole program have been held until proper scientific reviews could evaluate the operation of these devices in real world conditions?

Answer. Advanced Imaging Technology (AIT) was not rushed into service. Prior to deployment, the Transportation Security Administration (TSA) properly tested both types of AIT for detection, safety, and operational suitability. Pilot testing of backscatter AIT began in February 2007 and of millimeter wave AIT in October 2007. The Department of Homeland Security and TSA selected both technologies to drive innovation and competition. Millimeter wave technology screening is safe for all passengers, and the technology meets all known national and international health and safety standards. The energy emitted by millimeter wave technology is thousands of times less than the limits in the IEEE C95.1 IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz and guidelines from the International Commission on Non-

ionizing Radiation Protection. General-use backscatter X-ray technology was evaluated by the Food and Drug Administration's Center for Devices and Radiological Health, the National Institute of Standards and Technology, and the Johns Hopkins University Applied Physics Laboratory. All results confirmed that the radiation doses for the individuals being screened, operators, and bystanders were well below the dose limits specified by the American National Standards Institute/Health Physics Society.

*Question 3.* What testing has been done on machines currently in airports to determine the effects of long term use on the device's complex machinery? Are machines regularly tested to ensure they do not emit more radiation than is considered safe?

Answer. The Transportation Security Administration's (TSA) current safety protocols require all equipment manufacturers to comply with nationally-recognized safety standards to ensure the safety of both passengers and operators. Each general-use backscatter X-ray Advanced Imaging Technology (AIT) unit undergoes a system inspection and radiation survey before it leaves the manufacturing facility. The manufacturer must perform an additional radiation survey on each AIT once it is installed in the airport. Radiation surveys are then performed once every six months; whenever a unit is moved; after any maintenance action that affects radiation shielding, shutter mechanism, or X-ray production components; and after any incident that may have damaged the system. TSA partnered with Certified Health Physicists from the U.S. Army Public Health Command to conduct independent radiation surveys and inspections to confirm the regular testing performed by the equipment manufacturer. The systems are checked against administrative and radiation dose requirements of the American National Standards Institute/Health Physics Society (ANSI/HPS) Standard N43.17-2009, Radiation Safety for Personnel Security Screening Systems Using X-ray or Gamma Radiation. All systems surveyed to date have been found to be well below the radiation dose limits of the ANSI/HPS N43.17-2009 standard.

*Question 4.* Security changes following September 11 and many of the subsequent attempts since have frustrated travelers who are forced to remove their shoes and undergo significant scrutiny during the air travel process. Limits on liquids, and new rules requiring removal of shoes may have helped address immediate threats, but inconsistent application of the new rules has frustrated passengers.

In October of this year TSA debuted the "Trusted Traveler" or "Pre-Check" program which allows frequent fliers to provide TSA with personal information to create a more accurate risk assessment. Travelers approved by the program can proceed through the checkpoint with their shoes on, and their laptops still in a bag. Using better intelligence allows security officials to more reasonably assess risk, and provide passengers with a more user-friendly system. How can we prevent the manipulation of ticket information to prevent misuse of the trusted traveler program?

Answer. The Transportation Security Administration (TSA) currently validates passenger identification using Travel Document Checker procedures conducted by Transportation Security Officers. In July 2011, TSA conducted lab testing of Credential Authentication Technology/Boarding Pass Scanning System (CAT/BPSS) technology, which automatically and concurrently verifies passenger boarding passes and IDs that are presented during the passenger security checkpoint screening process, as well as those IDs presented by airport and airline personnel to access sterile areas. In September 2011, TSA purchased a total of 30 CAT/BPSS systems from 3 vendors for testing at a small number of airports throughout the country. The CAT/BPSS technology will enhance security and increase efficiency by comparing a passenger's ID and boarding pass to a set of security features.

Participants in pre-check still undergo physical screening, additional random and unpredictable screening measures, and document validation at the checkpoint. These safeguards combined with the other layers of security, such as Secure Flight and Behavioral Detection Officers, provide strong protections against manipulation of the passenger screening process.

*Question 5.* Mr. Pistole, more than 8,000 Mainers have been issued TWIC cards and will soon need to renew their credentials. These workers who have already visited enrollment centers twice to obtain their original documents will, under the current process, again be required to take days off to travel to the centers in Bangor or Portland.

The cards issued to mariners between 2007 and 2009 will soon begin to expire, and I can't help but wonder if we cannot improve upon the issuance process for these credentials. While we will all agree on the importance of securing our ports, I would like an explanation as to why the TWIC card can only be picked up in person, while a U.S. Passport or green card can be delivered via U.S. Postal Service?



Will there be a process that allows port workers who currently hold a valid TWIC to renew their credential without revisiting an enrollment center? What “lessons learned” will you apply during the re-enrollment phase in coming years?

Answer. TSA understands Congressional and stakeholder concerns with requiring a second visit to the enrollment center to activate renewed Transportation Workers Security Credential (TWIC). In coordination with the U.S. Coast Guard which is TSA’s partner in the TWIC program, I am currently evaluating aspects of the TWIC program with a view towards maintaining security of our ports and fairness to TWIC holders.

Because of differences in how they are used, the U.S. Passport does not serve as a comparable document to the TWIC. When a traveler presents a passport at a Port of Entry, a Customs and Border Protection officer runs checks of the individual’s data against government databases to determine if any lookouts exist and compares the photograph in the passport with the original source data from the Department of State and the individual standing in front of them. While a rule to require electronic TWIC readers is in development, currently ports are not required to validate TWICs electronically. Due to these differences, the issuance process—as it currently exists—for TWIC necessarily differs than the process appropriate for issuance of U.S. passports.

TWIC continually incorporates lessons learned to improve its service and operations. For example, the TWIC program has been able to eliminate duplicative security threat assessment (STA) checks and reduces costs for many transportation workers through a determination that STAs conducted for the Hazardous Materials Endorsement (HME), U.S. Coast Guard Merchant Mariner License (MMD), and Customs and Border Protection’s Free and Secure Trade (FAST) program are comparable to the STA required for the TWIC. As a result, these populations pay a reduced fee when applying for a TWIC. Similarly, under its existing contracts, TSA is in the process of implementing technical updates to the HME STA systems to allow for TWIC holders to receive comparability when applying for an HME. In addition, TSA has worked with its enrollment providers to co-locate HME and TWIC enrollment services at approximately 20 locations across the country to enhance customer service options.

TSA is also currently undergoing rulemaking that proposes to consolidate and harmonize existing transportation worker vetting and credentialing programs, to the extent possible under law, and include new populations that must be vetted. This rulemaking effort is known as the Standardized Vetting, Adjudication, and Redress Services Rulemaking (SVAR, or alternately known as the Universal Rule). Through this rulemaking, TSA intends to develop a framework that will establish uniform standards, processes and fees related to threat assessment services. The effort will also provide stakeholders, to the extent possible, the ability to utilize threat assessment services that have been previously acquired.

*Question 6. Administrator Pistole, In your last appearance before the full Committee in May, you gave the TWIC program a three on a scale of one to 10, and you clearly noted a need for improvement in the program’s internal controls and enrollment process. During that conversation, we discussed the redundancy of the TWIC with other security credentials and screening programs, including Hazardous Materials Endorsement, Merchant Mariner License, and FAST cards. Please provide details regarding changes you plan to implement in the TWIC program, or with these other credentials to reduce duplication of screening and credentialing. In addition, how can we prevent the need for workers to carry a whole deck of identification cards to do business? Is the development of a credential much like the Federal “Common Access Card” in the works? How can we eliminate the redundancy we find in many of these security credentials?*

Answer. The Transportation Security Administration (TSA) has undertaken several initiatives to identify and eliminate redundancies related to security threat assessments (STAs) and credentialing.

TSA deemed that STAs conducted for the Hazardous Materials Endorsement (HME), US Coast Guard Merchant Mariner License (MMD), and Customs and Border Protection’s Free and Secure Trade (FAST) program are comparable to the STA required for the TWIC program. This determination allows TSA to avoid duplicating existing STAs associated with the individual and to reduce fees for transportation workers who possess a valid HME, MMD, or FAST card. Also, individuals may satisfy the requirement to undergo an STA to work at an Indirect Air Carrier or Certified Screening Cargo Facility, by holding a valid TWIC, HME, or FAST, or by completing the STA required to hold certain airport and aircraft operator credentials. Under its existing contracts, TSA is implementing technical updates to the HME STA systems to allow TWIC holders to receive determinations of comparable STAs

when applying for an HME. Not only does comparability with these programs allow a reduced fee to the worker, this option minimizes redundant STAs.

FAST Commercial Drivers must successfully complete a full biographic and biometric background check plus a detailed face-to-face interview with CBP officers at an enrollment center before being issued a FAST card. In December 2008, FAST Driver data migrated from the FAST Driver Registration System into the Global Enrollment System (GES). FAST cards are Western Hemisphere Travel Initiative compliant documents, and can be used in non-dedicated commuter lanes when entering the United States. Each card consists of a Radio Frequency Identification (RFID) chip.

At the northern land border, CBP and CBSA through a joint bilateral program conduct vetting to the drivers through law enforcement databases prior to clearing applicants into the FAST program and issuing FAST cards. By utilizing two databases, an addition level of threat is reduced.

Additionally, TSA is currently undergoing rulemaking that proposes to consolidate and harmonize existing transportation worker vetting and credentialing programs, to the extent possible under law, and include new populations that must be vetted. This rulemaking effort is known as the Standardized Vetting, Adjudication, and Redress Services Rulemaking (SVAR, or alternately known as the Universal Rule). Through this rulemaking, TSA intends to develop a framework that will establish uniform standards, processes and fees related to threat assessment services. The effort will also provide stakeholders, to the extent possible, the ability to utilize threat assessment services that have been previously acquired.

In addition, TSA has worked with its enrollment providers to co-locate HME and TWIC enrollment services at approximately 20 locations across the country increasing efficiencies and providing more convenient service options for transportation workers. TSA is in the solicitation process for a new Universal Enrollment Services contract to replace the current, expiring TWIC contract. The new Universal Enrollment Services contract will:

- Combine and consolidate enrollment centers to allow individuals to apply for STAs for any TSA STA vetting programs;
- Align with TSA's SVAR effort to allow reduced fees, comparability and reduced burden of cost and travel related to multiple enrollments for different programs; and
- Provide more enrollment centers serving multiple populations across a broader geographic range.

It is important to note that transportation operators and facility owners make access decisions for their facilities and TSA cannot control the number of credentials that they require.

TSA is currently evaluating aspects of the TWIC program with a view towards maintaining security of our ports and fairness to TWIC holders.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO  
HON. JOHN S. PISTOLE

*Question 1.* During our exchange at the November 9, 2011 hearing, I asked about the use of so-called backscatter technology, which relies on radiation to detect objects hidden under the clothes of passengers. I referenced your statement at a prior Senate Homeland Security and Governmental Affairs Committee in which you said "We will conduct an independent study to address that." You had said during our exchange that you were reviewing a draft report from the Inspector General (IG) of the Department of Homeland Security that, at first glance, confirmed the conclusion of previous independent studies that the scanners are safe for all passengers. Will you please share with us your plans to conduct an independent study in the wake of your review of the IG report?

Answer. The Transportation Security Administration (TSA) currently has a Rapiscan Secure 1000 Single Pose general-use backscatter x-ray system undergoing a second laboratory evaluation by the National Institute of Standards and Technology (NIST) to ensure compliance with the American National Standards Institute/Health Physics Society (ANSI/HPS) Radiation Safety for Personnel Security Screening Systems Using X-ray or Gamma Radiation consensus standard. In addition, the U.S. Army Public Health Command Certified Health Physicists performed a radiation dosimetry study to determine the effective dose to individuals undergoing screening. The analysis of the data to date shows that the effective dose per screening is well below the maximum permitted for a general-use system under the ANSI/HPS standard.

TSA is still reviewing the Inspector General report which has not been finalized at this time.

*Question 2.* I recognize that security is a balancing act, and that we must balance the free flow of commerce and freedom of movement with security in the post 9/11 world. Historically, both DHS and TSA have not done a good enough job of explaining its aviation security regulations and policies to the traveling public, or to its field representatives who are charged with enforcing them. For example, one constituent relayed an experience in Savannah where he was told he was now required to un-tuck his shirt when going through screening. He asked when this new rule was implemented, and was told "it has always been this way." TSA, it seems, consistently fails to communicate these changes, especially when doing so could probably speed up the screening process and give travelers an idea of what to expect. If you travel through 5 different airports, you will have 5 different TSA experiences. As we go into the very busy holiday travel season, what are you doing to ensure that TSA policies and regulations are properly understood and consistently enforced by TSA field representatives?

Answer. The Transportation Security Administration uses a multi-faceted approach to ensure its policies and regulations are properly understood and consistently enforced by TSA field personnel. Some of those approaches are:

- Recurrent training of Transportation Security Officers (TSO) both in group settings and on an individual basis. This training continuously exposes and updates employees to the processes and procedures required to properly screen passengers.
- Daily shift briefings to ensure TSA field personnel are focused and poised to accomplish the mission prior to starting a shift. The daily shift brief updates TSA field personnel on current security intelligence information, addresses pertinent airport incidents, and includes information on changes that may have occurred in standard operating procedures.
- Frequent national teleconferences between TSA Headquarters and TSA Federal Security Directors. This forum is used to discuss critical issues, such as increased passenger loads, standard operating procedure changes, and other challenges that may result from a holiday travel season.
- Continuous observation of TSO. Supervisory TSOs observe TSO screening practices and procedures and correct any practices that are not consistent with established protocol.
- Distribution of information. TSA's operational network and field leadership rapidly distribute information, best practices, and new procedures along with its associated training to TSA field personnel.
- A National Standardization Guide for Improving Security Effectiveness. This program evaluates and assesses performance and subsequently develops individual and collective training to meet TSA's standards and expectations for screening proficiency at the individual level.

TSA will continue these approaches to ensure that TSA policies and regulations are properly understood and consistently enforced by TSA field personnel. As part of our continuing evolution of TSA as high performing counterterrorism organization, I am consolidating training and workforce engagement into one office that will strengthen our efforts to address some of the concerns noted.

*Question 3.* What are you doing to ensure that they are properly communicated to your customers, the traveling public?

Answer. TSA's Office of Strategic Communications and Public Affairs (OPA) engages in a year-round effort to communicate screening procedures, policies, and technologies in place at airports nationwide to the traveling public. During the busy holiday travel season, OPA accelerates those efforts and hosts dozens of press events at airports nationwide to penetrate local media markets and reach infrequent passengers who are traveling recreationally around the winter holidays.

This year, TSA issued a national press release, hosted a national media availability with TSA Administrator Pistole, posted web copy to [www.tsa.gov](http://www.tsa.gov), and leveraged social media tools like the TSA Blog and Twitter to reach a broad audience.

To provide passengers with 24/7 access to the most commonly requested TSA information on their mobile devices, TSA has developed the My TSA mobile application. My TSA puts the most frequently requested information about security procedures at airport checkpoints right at their fingertips. The application has multiple functions, including allowing travelers to find out if an item can be taken in checked or carry-on bags, view delays at all U.S. airports via a feed from the Federal Avia-

tion Administration (FAA), get the most commonly asked packing and traveling tips, and post and see other passengers' checkpoint wait times at specific airports.

In addition, regional spokespeople from across the country worked closely with reporters in wide-ranging media markets to reach travelers in big cities and small towns, and will continue to carry out this engagement throughout the year.

*Question 4.* Can you update the Committee on the changes made to how TSA is treating its child customers?

Answer. As part of our risk-based approach to security, TSA has modified prescreening procedures for children who appear 12 years of age and younger. One of these modified procedures includes permitting them to leave their footwear on through screening checkpoints. A byproduct of these revised screening procedures is to reduce, though not eliminate, pat-downs of children who appear 12 years of age and younger. If a pat-down is necessary, the procedure is less invasive than the procedure used to screen adults. As always, children and their guardians will not be separated during screening.

*Question 5.* As you know as part of his deficit reduction plan, the President is proposing tripling the passenger security fee per one-way trip from \$2.50 to \$5.00 with additional 50-cent-per-year increases over the next five years to a total of \$7.50. In conjunction with a \$100 charge for every airplane departure in controlled airspace, the President estimates that these new fees will result in an estimated \$8.8 billion in additional revenue over five years, and \$24.9 billion over 10 years. The President's proposal would direct \$15 billion to be deposited into the General Fund for deficit reduction, with any additional revenues in excess of this amount being applied to the Transportation Security Administration's (TSA) budget. While I support ensuring we have the best security apparatus in place to protect passengers, I believe that airline passengers are being unfairly targeted to pay down the deficit. With regards to this plan, did TSA approach the Administration to indicate that it needs these additional funds?

Answer. With regards to only the portion of the plan that relates to the Passenger Security Fee, the Transportation Security Administration (TSA), in ongoing collaboration with the Department of Homeland Security (DHS) and the Office of Management and Budget (OMB), engages Congress to attain annual operating budgets that provide the resources necessary to ensure transportation security. TSA's annual operating budget is satisfied through a combination of appropriated resources and through resources generated from security fees imposed on beneficiaries of certain security services. In working within these constructs, TSA attempts to reach an optimal funding strategy that balances the burden of aviation security. The portion of the deficit reduction plan regarding the proposal for a \$100 charge for airplane departures in controlled airspace may be addressed by the Federal Aviation Administration.

*Question 6.* How much additional funding do you anticipate TSA will see each year as a result of this proposal?

Answer. The most immediate impact of the proposal would be a change in the ratio of appropriated and fee funding received by TSA vice a change in total funding. TSA estimates that if the passenger fee proposal is adopted, the changed fee would generate \$850 million, \$900 million, and \$950 million in fiscal years 2013, 2014 and 2015 respectively, in new discretionary security fee revenue that would further offset the total TSA cost of aviation security. The enactment of annual operating budgets would ultimately determine whether or not overall TSA resource levels are changed.

*Question 7.* What plans does TSA have for using this additional funding?

Answer. The increase in security fee revenue would allow a greater portion of the overall cost of aviation security to be offset by beneficiaries of aviation security services.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROY BLUNT TO  
HON. JOHN S. PISTOLE

*Question 1.* Why has the TSA decided to ignore the Court's injunctive relief in regards to the SPP contract at MCI (Kansas City International Airport)?

Answer. The Transportation Security Administration (TSA) is not ignoring the Court of Federal Claims. In its decision regarding the protest filed by FirstLine Transportation Security, Inc., the court stated that TSA had two options if it desired to move forward with a Screening Partnership Program (SPP) contract award at MCI, one of which was a complete re-procurement of the solicitation requirements. As the court expressly noted, "What course of action TSA chooses to pursue after

contract award is cancelled in order to maintain security services at MCI is not for this court to decide.” Consistent with the court’s ruling, TSA has chosen to move forward with a complete re-competition of this requirement to allow for full and open competition of the revised, current scope of work and using evaluation criteria in accord with the court’s decision.

*Question 2.* However, with no Advanced Imaging Technologies (AIT) full body scanners being added and little Risk-Based Security initiatives changes in Kansas City, does this still remain your reason for ignoring the court’s injunctive relief?

Answer. As stated above, TSA is not ignoring the court’s injunctive relief. The court explicitly gave TSA the option of complete re-procurement of the solicitation requirements, and TSA has chosen this option to allow for full and open competition of the revised, current scope of work.

*Question 3.* Were these factors in the contract reward in April? If they were factors at that time then what specially changed in the following six months?

Answer. No, Advanced Imaging Technology (AIT) and Risk-Based Screening (RBS) initiatives were not factors in the April 2011 contract award.

*Question 4.* According to GAO, TSA has had a difficult time assessing apples to apples cost analysis of SPP airports and traditional TSA operated airports. Does TSA currently have better analysis to make that comparison? Does that now include increased screener efficiencies? Does it include an analysis of overtime charges or costs due to injury?

Answer. The Transportation Security Administration (TSA) has had a constructive dialogue with the Government Accountability Office (GAO) regarding the cost analysis of airports directly operated by TSA and those airports operated within the Screening Partnership Program (SPP). While there are difficulties with any cost analysis, TSA included different assumptions to create a range and to cover all possibilities. TSA cost comparisons encompassed all applicable costs, including overtime and injury costs. In communications with TSA, GAO acknowledged its satisfaction with TSA’s cost analysis methodology.

*Question 5.* Administrator, in your announcement to cap the SPP to 16 airports, you said that you would not expand the program unless there was a “clear or substantial advantage” to adding additional airports to the SPP program despite the demand. However, you have not released the metrics TSA uses to evaluate SPP applications. Will you release those metrics?

Answer. The Transportation Security Administration (TSA) does not use a standard set of metrics to evaluate Screening Partnership Program (SPP) applications. Every airport is considered independently based on the unique characteristics that define the security and operational needs of that location as well as the impact on the total security network. Unique airport characteristics that might be used to make an SPP determination could be airports located in hard to hire areas such as airports with a high tourist population or a high cost of living; airports that experience increased traffic during a particular time of the year such as greatly increased traffic during ski season; and airports that are open only for part of the year such as operating only during the summer.

*Question 6.* Does TSA have criteria in place to even be able to determine what might be a clear or substantial advantage?

Answer. Every airport is considered independently based on the unique characteristics that define the security and operational needs of that location. Each airport’s unique situation and associated cost is considered, along with the effect of privatization at the specific location on the total security network.

*Question 7.* Please include a copy of that data in your response,

Answer. See the response above.

*Question 8.* TSA encouraged three Montana airports to opt-in to the SPP program but in January you denied their applications. What about the Montana airports made TSA encourage their participation in the SPP program?

Answer. The Transportation Security Administration (TSA) does not encourage an airport to participate or not participate in the Screening Partnership Program (SPP). Per the Aviation and Transportation Security Act, an airport may submit an application “. . . to have the screening of passengers and property at the airport . . . to be carried out by the screening personnel of a qualified private screening company . . .” TSA does not consider an airport’s interest in SPP until the airport submits an SPP application. The program remains open today, and TSA is continuing to accept applications.

*Question 9.* What changed during that period of time?

Answer. See response above.

*Question 10.* Is there one airport in the country, large or small, that you would encourage participating in the program now?

Answer. The Transportation Security Administration (TSA) does not encourage an airport to participate or not participate in the Screening Partnership Program (SPP).

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. KELLY AYOTTE TO  
HON. JOHN S. PISTOLE

*Question.* Unfortunately every Israeli citizen is used to living his/her life in the shadow of terrorism starting from an early age. Not only is understanding and living with terrorism a part of daily life in Israel, but so too is an awareness that individuals are often the primary target of terrorist attacks. At the same time, terrorists haven't penetrated Tel Aviv's international airport's security in almost 40 years. Israeli airport security, by contrast to TSA's approach, separates travelers into two groups before they ever get to an X-ray machine. All passengers waiting to check-in speak to a security agent. The agents ask a series of questions, looking for uneasiness or inconsistent statements. The vast majority of travelers pass the question-and-answer session and have an easy time going through security. Still, there are no full-body scans, for example, and only between 2 percent and 5 percent of travelers get singled out for additional screening. While the security situation is much different in Israel than it is in the U.S., and I am sensitive to the security threats that Israeli citizens endure daily, I still think there is an opportunity to learn from the experience and practices of Israel. How does the Israeli security model inform what security approaches TSA should take?

Answer. The Transportation Security Administration (TSA) has considered the Israeli model, as well as best practices from other countries, and has worked to incorporate practices in a U.S. model that is consistent with our constitutional liberties and laws and feasible in an operational environment with much more locations and travelers than in Israel. For example, as part of TSA's Risk Based Security efforts, TSA is evaluating practices to include pre-screening and behavior assessment to allow for a real time threat assessment of a passenger prior to and during screening and boarding. Currently, the Assessor proofs of concept have modified current screening procedures by testing a new behavior detection technique. It includes interacting with all passengers at the Travel Document Checker (TDC) station to detect high-risk passengers. This pilot is currently underway in Boston and Detroit, and TSA is reviewing additional sites for consideration.

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PRESIDENT'S DEPARTMENT  
AIR LINE PILOTS ASSOCIATION, INTERNATIONAL  
*Washington, DC, November 8, 2011*

Hon. JOHN D. ROCKEFELLER IV,  
Chairman,  
Committee on Commerce, Science, and  
Transportation,  
Washington, DC.

Hon. KAY BAILEY HUTCHISON,  
Ranking Member,  
Committee on Commerce, Science, and  
Transportation,  
Washington, DC.

Dear Chairman Rockefeller and Senator Hutchison:

On behalf of more than 53,000 pilot members who fly for 37 airlines in the U.S. and Canada, the Air Line Pilots Association, International (ALPA) would like to provide you with a synopsis of a number of aviation security concerns that ALPA believes should be brought to the attention of the Senate Commerce, Science and Transportation Committee during its TSA oversight hearing with Administrator John Pistole on November 9, 2011. Also attached for your review is an ALPA issue analysis of aviation security 10 years after the 9/11 attacks.

**Threat-Based Security**

The attempted bombing of Northwest (NWA) flight #253 on Christmas Day, 2009 served as a catalyst for ALPA to publish a white paper entitled *Meeting Today's Aviation Security Needs: A Call to Action for a Trust-Based Security System*, in January 2010. In that document, ALPA articulated that the Transportation Security Administration (TSA) needs to change its post-9/11 philosophy of screening all people equally for harmful objects to one that focuses on identifying individuals having evil intent.

We are pleased to acknowledge the positive response from a number of our industry partners, as well as from TSA leadership, expressing agreement with our call

for a philosophical change in underlying aviation security philosophy. ALPA has been encouraged by TSA Administrator John Pistole's advocacy for the implementation of more threat-driven, risk-based security procedures, such as a known traveler program, and expanded use of the Screening of Passengers by Observation Techniques (SPOT) program. We are particularly pleased with his public statements that a properly identified and thoroughly vetted pilot flying an airliner should not be required to undergo the same screening procedures as a passenger about whom very little is known. TSA's support for the ALPA-conceived alternative screening program for pilots, referred to as Known Crewmember (KCM), has been a welcome change to previous "one-size-fits-all" screening requirements. ALPA expresses its gratitude to the leadership of the Air Transport Association (ATA) and its member airlines for facilitating the roll-out of KCM.

We believe that significant steps have been taken by TSA to implement more risk-based solutions to securing the aviation sector, and we look forward to continued government and industry partnerships in the expansion of KCM and other threat-based, risk-mitigation programs.

#### **Federal Flight Deck Officer (FFDO) Program**

The FFDO program, which uses federally-credentialed, volunteer, armed pilots who are trained and managed by the Federal Air Marshal Service (FAMS) to serve as the "last line of defense" of the flight deck, has dramatically grown since its inception in 2003. The FFDO program has been acknowledged by industry and government to be an extremely successful and cost-effective layer of aviation security. In this era of austerity, the FFDO program's annual budget has remained stagnant since 2004. As a result, TSA/FAMS ceased accepting new applications in 2011 and has announced its inability to accept applications to the program during 2012 as well. Additionally, FAMS is considering certain program cuts to counterbalance the stagnant funding. We respectfully submit that the FFDO program is a cost-effective layer of aviation security and Congress should consider increasing the budget for the program.

Regarding the FFDO program's deployment outside of the U.S., ALPA commends the TSA and the FAMS for their successes to date in this regard, and encourages continued efforts to expand its international capabilities.

#### **Secondary Barriers**

On September 28, 2011, design standards for reinforced flight deck door secondary barriers were established by RTCA, a Federal Aviation Administration (FAA)-chartered, standard setting organization. These inexpensive, lightweight devices are intended to protect the flight deck whenever the reinforced door must be opened in flight. When used in conjunction with appropriate crew procedures, the secondary barrier will assist in identifying and delaying an attacker's intent to do harm. ALPA encourages the use in protecting the flight decks of our Nation's airliners to enhance aviation security both domestically and abroad.

#### **Threatened Airspace Management**

The failed attack against Northwest Airlines flight #253 demonstrated deficiencies in ground-to air communications during and after a significant in-flight security event. Pilots in command of other aircraft, either airborne or about to take-off, were not advised in real time of the circumstances impacting NWA 253. This lack of communication deprived these other aircraft commanders, in their role as In-Flight Security Coordinators (ISCs), of critical information which related to a potential security threat to their own flights, and negatively impacted the ability of flight and cabin crewmembers to best protect their passengers and aircraft.

On April 7, 2010, the FAA and TSA did a better job of communicating information to other aircraft regarding an on-going security incident involving a diplomat suspected to be assembling a bomb while in the lavatory of an airliner traveling from Washington, DC to Denver, CO. However, the flight decks of only selected airborne aircraft were notified of the event. Since then, we have not witnessed the sharing of security-related information with aircraft commanders that would be of value to them in fulfilling their duties as pilots-in command.

As recently as June 19, 2011, a bomb threat was made against a Washington, DC-bound airliner while it was in flight. The captain was not notified of the potential danger until landing at Ronald Reagan National Airport. The aircraft, with its 44 passengers and three crewmembers still onboard, sat on the ground for 29 minutes before emergency responders arrived at the plane and the passengers and crew were allowed to deplane.

In addition to this communications deficiency, we have seen no evidence of a clearly-defined, prioritized plan to control the national air space (NAS) in the event of another 9/11-type attack. The U.S. economy and the domestic aviation industry

cannot sustain the negative financial impact resulting from a repeat of a nationwide shutdown as occurred at that time. ALPA urges Congress to ensure the development of a prioritized plan for control of the NAS in such circumstances, with the intent of preventing a total or substantial closure.

#### **All-Cargo Airline Security**

In November 2010, law enforcement and intelligence agencies interdicted attempts to bomb two U.S. all-cargo aircraft destined from international locations to the United States. Successful detonation of the explosives, hidden in printer cartridges shipped from Yemen, could have resulted in catastrophic loss of life and the aircraft involved.

These attacks confirmed that all-cargo carriers remain a focus of terrorists. Notwithstanding government and industry awareness of a variety of security vulnerabilities which still exist in the air cargo domain, all-cargo operations remain exempt from a number of security practices mandated for passenger air carriers. Examples include: no hardened flight deck door requirement; no mandated *All-Cargo Common Strategy* training for crewmembers; no requirement for fingerprint-based criminal history record checks for persons with unescorted access privileges to aircraft and cargo; and no uniform requirement for Security Identification Display Area (SIDA) restrictions on all-cargo air operations areas.

Although the *Air Cargo Security Requirements; Final Rule*, published in May 2006, did much to improve the security of all-cargo aircraft and operations, it fell short of the mark in several critical aspects. An investigative report issued by the Government Accountability Office (GAO) on June 20, 2011 provides evidence of a number of these remaining vulnerabilities and bolsters ALPA's argument that much work remains to be done in this regard. Based on the unwillingness of regulators, government and industry to adequately address these deficiencies, we believe that Congressional action is required to bring about needed change.

#### **Laser Illumination of Aircraft**

On October 27, 2011 ALPA, in conjunction with the Air Transport Association, sponsored a one day conference entitled: *Laser Illumination of Aircraft-A Growing Threat*. The event highlighted the very real dangers posed to flight safety by this illegitimate activity which FAA statistics show to be increasing at an alarming rate, and was intended to spur further action to mitigate the problem.

ALPA applauds the FAA's recent announcement of its increased civil fining authority with respect to this activity, up to a maximum of \$11,000 per event. We are also pleased the Senate included an amendment in the Federal Aviation Administration reauthorization bill sponsored by Senator Sheldon Whitehouse to make knowingly shining a laser at an aircraft cockpit a Federal crime. While we continue to advocate for a multi-year, comprehensive FAA reauthorization bill, we acknowledge the uncertainty of that legislation, and urge the Senate to swiftly pass a stand-alone measure that would make the intentional laser illumination of aircraft a specific Federal crime.

ALPA is grateful for the Committee's attention to these critical transportation security matters. We look forward to working with you to better protect the traveling public and the U.S. aviation industry.

Sincerely,

CAPTAIN LEE MOAK,  
*President.*

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*ALPA Issue Analysis—Air Line Pilots Association, International—Washington, D.C.—[www.alpa.org](http://www.alpa.org)*

#### **Aviation Security: 10 Years after the 9/11 Attacks**

The 9/11 terrorist attacks resulted in a sea change for aviation security through the combined efforts of government, industry, and labor. ALPA's view is that aviation security progressed significantly because of these efforts, but ongoing improvements will always be needed to stay ahead of the ever-changing threat.

To take aviation security to the next level, the government needs to continue to transition to a proactive, human-centered, and threat-driven security system that harnesses the expertise and experience of all parties—regulators, airlines, airports, and labor. As part of this endeavor, there must be a shift away from focusing solely on the detection and interdiction of threat items and toward a determination of the presence of hostile intent.

Trusted airline employees should be positively identified and used as the "eyes and ears" of security. A new paradigm for cooperation, coordination, and communication among all affected parties will enhance our ability to detect and counter



all terrorist threats. ALPA has a long history of building strategic alliances among stakeholders to achieve our common goals, and we are enthusiastically engaged in this challenge.

ALPA represents more than 53,000 pilots who fly for 39 airlines in the United States and Canada. The union's 80-year history as an independent safety and security organization gives the Association an unparalleled perspective in analyzing the current state of aviation security and how it needs to change to keep airline passengers, crews, and cargo secure in the future.

What follows is a description of the most important accomplishments of the past 10 years, and the most needed additional improvements.

#### **Most Significant Accomplishments Since 9/11**

- *U.S. DOT Rapid Response Teams*

A few days after 9/11, the U.S. Secretary of Transportation formed two "Rapid Response Teams" to develop recommendations for improving security. One team was tasked with examining security at U.S. airports and focused on the screening of passengers and cargo. The other focused on aircraft security, particularly in safeguarding the flight deck. ALPA's president was asked to serve on this team. The two teams developed a number of significant

recommendations, many of which were implemented within a year of 9/11. In Canada, parallel activity involved ALPA representatives working with the top levels of the Canadian government to ensure that new, meaningful security measures were implemented.

- *Creation of New Federal Security Agencies*

In November 2001, the President signed into law the Aviation and Transportation Security Act, which created the Transportation Security Administration (TSA). The responsibility for security policy, passenger screening, and other related functions was transferred from the Federal Aviation Administration to TSA at that time. One year later, the Homeland Security Act created the Department of Homeland Security, which combined TSA and 21 other Federal agencies and offices under a single cabinet-level department devoted to national security.

The Canadian government created a new Crown corporation, the Canadian Air Transport Security Authority (CATSA), which is responsible for, among other things, screening passengers and their carry-on and checked baggage.

Transport Canada developed a security consultative structure in 2004 composed of the Advisory Group on Aviation Security (AGAS), the Security Regulatory Committee, and working groups. Since its inception, AGAS has facilitated information exchange between government and industry on current and emerging aviation security policy and regulatory and program priorities and initiatives.

Beginning in 2008, ALPA worked with Transport Canada on the Security Management System, a program similar to the Safety Management System, that is intended to supplement performance-oriented security regulations and security measures for all aspects of Canadian aviation.

- *Common Strategy—Passenger and All-Cargo Domains*

ALPA played a significant role in the pre-9/11 development and implementation of the Common Strategy, a standardized crisis response plan used by the aviation industry and critical government agencies for dealing with defined criminal and terrorist acts perpetrated onboard aircraft. Because the events of 9/11 clearly demonstrated that the plan needed to address the suicidal terrorist threat, ALPA urged the FAA to address this need. As a result, the FAA administrator asked ALPA to lead a coalition of industry stakeholders to develop a new Common Strategy. This undertaking was completed in 2002, and in 2006 a new All-Cargo Common Strategy was published, which marked the first time that this standardized security plan had included crewmembers who fly all-cargo aircraft.

In 2003 ALPA expressed concern to Transport Canada that a Canadian version of the Common Strategy was not in place. As a result, significant changes were made to the Canadian security training guidelines for airline crewmembers, including establishing four levels of response to threat events onboard aircraft.

- *Federal Air Marshal and In-Flight Security Officer Programs*

Until September 11, 2001, U.S. passenger airliners were protected by a small cadre of 33 Federal air marshals, who flew mostly international routes. ALPA strongly supported an expansion of this small program to provide greater deterrence and security onboard more flights, both domestic and international.

Today, a significantly bolstered Federal Air Marshal Service (FAMS) is managed by the Transportation Security Administration and protects U.S. carriers domesti-

cally and internationally. FAMS works closely with other government agencies, ALPA, and additional critical industry stakeholders to accomplish its mission. Some of the many responsibilities it has undertaken include management of the Federal Flight Deck Officer and Crewmember Self-Defense Training programs.

Canada had no aircraft protection program before 9/11, but thereafter, ALPA convinced the Canadian government that it needed to create an air marshal program. In 2002 the Royal Canadian Mounted Police (RCMP) instituted the Canadian Air Carrier Protective Program (CACPP), which puts armed RCMP members, designated as In-Flight Security Officers (IFSOs), on Canadian-registered aircraft. These officers operate under training regimes and rules of engagement very similar to those of FAMS.

- *Federal Flight Deck Officer Program*

ALPA was instrumental in calling and lobbying for the creation of the Federal Flight Deck Officer program shortly after the 9/11 attacks. In 2002, Congress enacted the Arming Pilots Against Terrorism Act (APATA) as part of the Homeland Security Act. In April 2003, the first class of 44 pilots graduated from the Federal Law Enforcement Training Center and was deputized as Federal law enforcement officers, charged with the responsibility of defending the flight decks of passenger airliners. One year later, Federal legislation made pilots who fly all-cargo aircraft eligible to participate in the program. Since then, thousands of dedicated volunteer pilots have served as Federal Flight Deck Officers, protecting the flight decks of both passenger and all-cargo airliners and adding a key layer of additional security to air transportation.

- *Reinforced Flight Deck Doors*

The Aviation and Transportation Security Act of 2002 included a requirement to strengthen the flight deck doors on airliners. ALPA played a critical role in assisting the Federal Aviation Administration's and Transport Canada's efforts to develop design criteria and standards for these barriers. Reinforced flight deck doors are now installed on virtually all passenger airliners in the U.S. and Canada and on many cargo aircraft. Additionally, enhanced flight deck door security procedures for flight deck and cabin crewmembers were developed and put in place to promote communication and ensure the most effective response to a security threat aboard the aircraft.

- *Secondary Barriers*

The value of a reinforced cockpit door can only be realized when the door is securely closed.

During longer flights, the cockpit door may need to be opened for many reasons, including flight and cabin crew coordination and to meet the flight crew's physiological needs.

A secondary barrier—composed of netting, strands of wire, or other lightweight materials—placed on the cabin side of the fortified flight deck door is designed to add enhanced security during times of “door transition” by impeding access to the cockpit door and providing additional time for crewmembers to secure the door in the event of an attempted breach. A secondary barrier also assists a flight and cabin crew in determining whether an individual intends to breach the flight deck door and poses a potential security threat.

ALPA successfully advocated to government and industry the creation of a new RTCA Special Committee (SC) 221, which began in 2008 to develop performance standards for secondary barriers. At least one major airline has already installed these devices on many of its aircraft in advance of standards finalization, and some aircraft manufacturers now offer secondary barriers as an option on new equipment.

- *Enhancing Jumpseat Security*

Immediately following the 9/11 attacks, the access to the flight deck jumpseat was eliminated. It was restored, however, fairly soon thereafter for pilots who were employed by the company that operated the aircraft. Access to that seat, which is essential for movement of flight crews, was not authorized for “off-line” pilots (*i.e.*, those not employed by the company that operates the aircraft). Several airlines, with ALPA's strong support, collaborated in 2003–04 on the development of a new system, called the Cockpit Access Security System (CASS), which verifies employment and validates identity using Internet access to airline employee databases. The TSA tested the system in 2004 and approved its use by all airlines beginning in 2005. Because of CASS, pilots other than those operating the aircraft are permitted to travel in the cockpit and support the on-duty flight crew in the event of a safety or security issue.

Canada approved the use of positive identity verification measures to authorize the use of the flight deck jumpseat by non-operating, on-line flight crews.

- *Implementing Threat-Based Security*

ALPA has for years called for a philosophical shift in aviation security from the current practice of screening all people equally for harmful objects (*i.e.*, one-size-fits-all security) to one that focuses on identifying persons with the intent to do harm. Such a “threat-based” approach to security screening would allow passengers with known backgrounds to be promptly cleared through security, and would free resources to place a greater focus on individuals whose background is unknown or in doubt. ALPA advocates determining the risk posed by each passenger through a combination of publicly available information, human interaction, and behavior-pattern recognition.

In 2011, TSA announced that it would be starting a program later this year at four airports to implement a “known traveler” type of program that would begin to achieve ALPA’s goal of threat-based security.

- *Enhanced Pilot-Screening Programs*

One component of threat-based security is recognizing the trustworthiness of airline pilots, who are the most heavily scrutinized employees in the aviation industry. Beginning in 2007, ALPA strongly advocated for a system of better screening airline pilots, called the Crew Personnel Advanced Screening System (CrewPASS). The ALPA-conceived CrewPASS program was designed to provide enhanced security screening for authorized flight crewmembers using airline employee databases to verify an individual’s identity and confirm his/her employment status. CrewPASS was implemented at three East Coast airports in 2008 and continues to operate today.

In 2011, the TSA approved testing of the next iteration of this concept, called the Known Crewmember program. Known Crewmember, which is jointly sponsored by ALPA and the Air Transport Association, uses more advanced technology than CrewPASS. The first access points for the Known Crewmember program began operating at Chicago O’Hare International Airport on August 9 and at Miami International Airport on August 23, 2011. The program will soon open additional test sites at Seattle-Tacoma International Airport, Minneapolis-St. Paul International Airport, Phoenix Sky Harbor International Airport, Washington Dulles International Airport, and Boston Logan International Airport. The TSA is prepared to authorize nationwide implementation pending successful testing.

In 2002, the Canadian transport minister introduced a new form of airline employee identification—the Restricted Area Identity Card (RAIC)—to provide for enhanced flight crew security screening. A cutting-edge aviation security initiative, the RAIC program uses biometric data and in-depth background vetting to more effectively and securely identify airline pilots and other airline employees. In 2004, CATSA introduced the RAIC iris-and-fingerprint program. Since then, the initiative has been expanded to include approximately 100,000 employees who work in restricted areas at Canada’s 29 largest airports. The Canadian RAIC program has become an international model for airline employee screening programs.

- *Cargo Security*

Enhancing cargo security presents a formidable task because of the complexities of the air cargo supply chain, the demands associated with the flow of commerce, and economic constraints. Responding to a Federal mandate, the TSA took on this challenge in the mid-2000s by harnessing the expertise of critical industry stakeholders, including ALPA. A new/final rule on air cargo security published in 2006 brought sweeping changes to security measures applied in passenger and all-cargo domains.

ALPA worked diligently with Transport Canada to develop appropriate air cargo security legislation. As a direct result of ALPA’s advocacy to the Canadian Air Cargo Security Working Group, Transport Canada issued a rule in 2010 requiring 100 percent hold-baggage screening.

- *Safeguarding Aircraft from Laser Attacks*

In January 2011, ALPA instituted an action plan to safeguard the skies from deliberate laser illuminations of aircraft. In June 2011, the Department of Transportation and the FAA announced a new legal tool to help authorities impose civil fines of as much as \$11,000 against individuals who attack aircraft with lasers from the ground.

### Most Needed Security Improvements

- *Implement Threat-Based Security*

The current one-size-fits-all philosophy driving aviation security is inadequate to meet today's security threats. Not all airline passengers pose an equal threat, so the goal of security screening must not be to only detect and interdict prohibited items, but also to distinguish between the known individual, the unknown individual, and those individuals who intend to do harm. A threat-based approach will ultimately enhance passenger privacy, create a more efficient and effective screening system, and make better use of limited screening resources. While TSA has publicly committed to pursuing a threat-based approach to aviation security and some steps have been taken, threat-based security should be adopted across the board as a foundational philosophy and as a plan of action to address today's threats.

In line with the development of threat-based security, implementation of the Known Crewmember program across the U.S. should be achieved in the near term. We recommend the inclusion of flight attendants in this program.

- *Secure All-Cargo Flight Operations*

After more than a decade of advocacy, ALPA believes that congressional action is needed to compel regulators and industry to close the gap in security requirements for all-cargo flight operations. The association is particularly concerned about the need to improve Security Identification Display Area (SIDA) requirements, background vetting of individuals with unescorted access to cargo aircraft and cargo, hardened flight deck door requirements, and training in the All-Cargo Common Strategy for response to security threats. A June 2011 report from the Government Accountability Office gives clear evidence that these vulnerabilities continue to exist and to jeopardize the security of air transportation in this country.

ALPA recommends that all airports that serve regularly scheduled all-cargo operations conducted by transport category airliners be required to establish and maintain a designated SIDA for such operations. SIDA requirements detail perimeter security protocols, clearly define entry and exit procedures, dictate specific identification display and ramp security procedures, and are predicated on a mandatory 10-year fingerprint-based criminal history record check for all employees who maintain unescorted access privileges within the SIDA. ALPA also calls for installing hardened flight deck doors on all-cargo airliners, mandated security training for all-cargo flight crewmembers and staff, and establishing a threat-based approach to cargo security.

- *Enhance the Federal Flight Deck Officer Program*

The FFDO program to deputize and arm trained airline pilots to defend the cockpit has proven extremely successful. Participation has grown considerably since the program began in 2002. In spite of this success, the TSA has not requested or received any significant increase in funding for the FFDO program since 2004. Because the current funding level is inadequate to support the existing FFDO corps, the program has stopped accepting new applications through 2012. Both industry and government have acknowledged that the FFDO program is a proven, cost-effective layer of aviation security, and ALPA calls on Congress to provide a significant increase in its funding.

- *Institute Threatened Airspace Management*

ALPA calls for the development of a prioritized plan for control of the national airspace system during a major security event. A Threatened Airspace Management Plan must provide pilots-in-command of airborne aircraft, or those about to take off, with real-time notification of significant and ongoing security concerns. Improved ground-to-air communications will better enable pilots to protect their passengers, crew, cargo, and aircraft. Additionally, maintaining a current prioritized plan for control of threatened airspace is critical.

- *Install Secondary Barriers on All Airliners*

A reinforced cockpit door is an asset only when the door is securely closed. During longer flights, the cockpit door may need to be opened for many reasons, including flight and cabin crew coordination, meal service, and the flight crew's physiological requirements.

The RTCA, a group made up of government and industry representatives that sets technical standards, will soon issue its final report containing performance standards for permanently installed, secondary flight deck barriers. ALPA urges government and industry to carefully consider the security benefit provided by these devices and recommends installing them on all airliners.

- *Protect Aircraft from Laser Attacks*

Federal Aviation Administration (FAA) statistics show an exponential increase in reported laser attacks against aviation. The threat to aviation safety is growing and real. ALPA calls for additional progress on its 2011 regulatory, legislative, and public awareness action plan to safeguard the skies from deliberate laser attacks on aircraft. The actions required include:

- prosecuting to the fullest extent of the law individuals who intentionally shine a laser at an aircraft,
- restricting the sale of portable lasers that are strong enough to cause injury,
- increasing the size of laser-free zones around airports,
- developing new air traffic control and pilot operating procedures to mitigate risk when laser illuminations are reported, and
- adding deliberate laser illuminations to the NTSB's list of most wanted transportation safety improvements.

Recently, Canadian authorities have handed down stronger sentences for individuals who have been convicted of deliberately shining a laser at an aircraft. ALPA supports these efforts to prosecute to the fullest extent of the law those who perpetrate laser attacks.

- *Fully Fund the Canadian Air Carrier Protective Program*

In October 2010, budget cuts led to a 25 percent reduction in the force of In-flight Security Officers (IFSOs) in the Canadian Air Carrier Protective Program. In ALPA's view, the value of the CACPP and the cooperation that exists between the program and airline pilots are essential elements in aviation security and must be fully supported.

- *Enhance Government-Industry-Labor Collaboration*

On the 10th anniversary of 9/11, ALPA commends those in government and industry who have worked with the Association to achieve so many significant enhancements to aviation security. We must continue to improve on our collaborative efforts to develop and implement new and better ways to address the constantly evolving threat against aviation.

